MY POLITICAL TRIAL AND EXPERIENCES

by

Jeremiah A. O'Leary

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MY POLITICAL TRIAL AND EXPERIENCES

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Yours very Sincerely
Jeremiah A O'Leary

My Political Trial and Experiences

By
JEREMIAH A. O'LEARY

Including a Biographical Sketch of the Author

By
MAJOR MICHAEL A. KELLY
Distinguished Service Cross, Chevalier of the Legion of Honor of France,
and Winner of the Croix de Guerre
Late of the 165th U. S. Infantry, A. E. F.
(The 69th New York Regiment)

With Preface by
JOSEPH W. GAVAN, Esq.

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PREFACE

"He who stands on the eternal side of Right stands not alone, though alone he stands, for with him are the Unseen and under him are the Everlasting Arms."

Patriotism and persecution are words often found in each other's company. Indeed anybody who reads history aright must be struck by the frequent association. Wherever man has sought to realize his patriotic desires, wherever he has dared oppression and slavery, there has persecution threatened if not encompassed him. The records of every nation are rich in example. In the purple dawn of our own Republic the youthful form of Nathan Hale is silhouetted in immortal glory above the ignominy of the British gallows. And but yesterday, so to speak, a world paused in the mad orgy of war at the spectacle of the heroic Pearse and his associates facing the vengeance of the British Empire that their beloved Erin might not lose her soul.

Happily, persecution unto death is rarely the penalty of the patriot in this Republic of ours. But from time to time, and at the present moment, there are lapses from national ideals amounting almost to tragic retrogression. A notable instance affecting the individual has been the arrest, indictment, and prolonged imprisonment of the author of this book, Mr. Jeremiah A. O'Leary, an American of militant and unsullied patriotism. In setting forth this record of his splendid and successful fight and of the sinister forces that beset the liberties of his country, he has rendered a valued service to patriotism the world over. The publication of this book will serve among other useful purposes to emphasize Mr. O'Leary's vindication by the Court and in the words of Edmund Burke, it will help "to protect the author against the calumnies of malice and the judgment of ignorance."

The book will be read and read widely, for all over the United States Jeremiah A. O'Leary has countless admirers and friends —more than many imagine. The writer, therefore, considers the presentation of the salient facts of his trial as a real public service, and Mr. O'Leary deserves the thanks of all those sincerely devoted to American traditions and to the ideals underlying our institutions.

Ireland has ever had many friends in America. Such have not been lacking even in the highest circles until recently. We cannot forget the distinguished honor paid to Charles Stewart Parnell when he was invited to and did address the Congress of the United States. During the recent war this signal distinction has been extended to Viviani, Balfour and others. Up to Parnell's visit this honor had been conferred but twice before in the course of a century. The celebrities held worthy of it were no less personages than the great Lafayette, friend and companion-in-arms of Washington, and the scarce lesser hero, Kossuth, Liberator of Hungary. Even in the past four years, when Anglo-philism overwhelmed officialdom and influenced and drugged the sources of public opinion, men of courage were found to warn the American people of its objects. They ran no risk save that of envenomed attack by a mendacious and a corrupt press. It was left for Jeremiah A. O'Leary to test the limits of safety as to life and liberty by public avowal of cherished principles. While O'Leary believed and said that American ideals should prevail in Ireland, he also contended with all the ability and vigor with which Providence endowed him that American principles of liberty should continue to prevail in the United States. True, he believed and said that British power and influence should depart from Ireland, but more strenuously did he strive with courage and persistency to drive British power and influence from the United States.

Alike with eloquence of tongue and pen, with vitriolic denunciation, and scathing satire; with keen, incisive wit, and sometimes powerful verse, he essayed to counteract the British propaganda. Fearlessly, he flashed the light of truth upon the hosts who, intrenched behind the ramparts of financial, corporate, and political power, sought to undermine the foundations of the temple which Washington had laid. Wielding a fulcrum, the might of which was unknown to Archimedes, they sought to exercise the lever of a strategically disposed press in order to control public opinion, or at least to blind public intelligence. Against the cohorts of error, prejudice, and malice, against the phalanxes of greed, corruption and treachery, O'Leary battled. Never faltering, scarce pausing to count his followers or to weigh the moral and material worth of their assistance, because the need was dire, he carried the fight to those who were, he was convinced, the enemies of America at their most vulnerable points. He struck and struck repeatedly, vigorously, forcefully, and with telling results. His blows told. More than once he disarranged their plans and threw their ranks into confusion. Here was an antagonist who compelled their respect but to an exactly corresponding degree stirred their wrath and resentment. Shafts of malice the myrmidons of the hireling press launched against him. They sought to assail his character. They cried "German gold." They published weird, fantastic tales of fabulous sums employed to bribe him. Just as every lie, however atrocious, bears some relation to the truth, so every calumny, whether outrageous in its malice or ridiculous in its improbability, contained in itself a tribute of esteem, a measure of flattering appraisement from a malevolent foe. They styled him a "professional Irishman," "Irish agitator," "Anti-British agitator," "Pro-German," although conscious all the while of the purity of his devotion to the principles he espoused. They did this to discount the intrinsic merit of his valiant fight for true and unadulterated Americanism, yet he gloried in their wrath and derived satisfaction from their discomfiture and fear.

O'Leary's fight failed. Appropriately, Good Friday, 1917, marked the height of his almost superhuman effort. There have been other calvaries in human history, supreme moments in religion and in nationality, in the lives of all individuals, when the sun disappears as if forever, the earth is shrouded in gloom, and rocks are cleft in twain and hearts break from very anguish. Religion teaches and human experience shows that the Resurrection is the necessary sequence to the real Calvary, just as in nature—the day follows the night. We are now approaching the dawn. We went to war but O'Leary still showed the strong, vibrant character of his Americanism. He supported his country's bond issues to the limit of his ability and beyond. He contributed to the American Red Cross. He wrote sympathetically of the American soldiers. He did not oppose the Conscription Act, holding it to be the duty of every American to be ready to fight and, if need be, to die for his country. Scores of young men, their patriotism confirmed by the fire of his eloquence, enlisted in Army and Navy. He proved this by copious evidence at his trial. Later, when the tempting offer was made him of a New York Mayoralty nomination on an anti-draft platform, he refused the tender, declining to surrender his convictions, favoring the principle of universal military service, in order to reap political prestige.

He drew the line on loans to foreign powers by the Secretary of the Treasury, holding them to be without warrant of Constitutional sanction, pointing out that the only lawful method by which such loans could be made was by treaty, by and with the advice and consent of the Senate. He also warned that the loans might never be repaid and suggested purchase of British territory on the American Continent, as the wisest course to pursue if England really needed the money, basing this idea on Jefferson's purchase of the Louisiana territory from France.

O'Leary's enemies, whom he believed were the enemies of his country, had not forgotten nor forgiven the splendid fight which had retarded their victory and frustrated their plans. Deeper than their wrath at his past agitation was their concern at the prospect of his future activities. They had vision enough to foresee that their very victory would in time to come be a resistless weapon in O'Leary's hands. Craven fear of his vindication on this side of the Atlantic matched the dire need of the British ministry to stem the rising tide of Sinn Fein in Ireland. The details of the plot were hatched, a drug fiend in the appropriate masque of a German spy, a perjured witness or two, and a few other actors, carefully coached in their lines, and the plot, crude withal, and unworthy of the real dramatic qualities of its authors, was complete. The stage was set and the curtain was lifted on the tableau to the gaze of two continents by the combined power of seventy thousand printing presses. Only action was needed to vitalize the drama. Within twenty-four hours O'Leary and sundry others had been indicted for a conspiracy to attempt treason in this country, while De Valera, Griffith, McNeil and five hundred Irish patriots, the backbone of the Sinn Fein (We Ourselves) movement, were languishing in English or Irish jails, without indictment or other charge save Lloyd George's statement in the House of Commons that the Ministry had received information from *"a friendly Government"* of an Irish-German plot. With the gallows in the background on this side and firing squads on the other, began the second act of the great international drama, which was to crush Irish liberty in Ireland and championship of it in America, and to make disloyal forever the memories of 1776 and odious the advocacy of the principles of the Fathers of the Republic.

This book tells the story; it explains the collapse of the conspiracy on the Government's own presentation. Readers will remember how, even before O'Leary began his defense in American Courts the British Ministry began to free the Irish leaders who were to share in O'Leary's conviction and punishment. Every American should read these chapters. They have not read the true story because the newspapers, as well as the Department of Justice, have been interested in suppressing facts and reports which would militate against them. Americans should read it because the conspiracy against O'Leary was a conspiracy against human rights, their rights and their liberties, and when they have read it they will agree that not Jeremiah A. O'Leary but the Department of Justice and the Administration itself were on trial, and that his vindication was a verdict of condemnation of those who persecuted him. O'Leary now stands vindicated of trumped up charges of treason, disloyalty, and conspiracy to resist the draft, of an attempt to create mutiny and of every other charge which could taint his character as a man or his patriotism as a citizen—vindicated in a Federal Court by an American Jury.

The hurrying tread of events, now fast marching to their climax must soon rouse from slothful inactivity the great masses of patriotic Americans. Their imagination dormant under the soporific influence of a mercenary and controlled press; their vision obscured by the clouds of malevolent propaganda, they have not perceived the rocks toward which their loved Ship of State has been drifting. Proudly conscious of the nobility of the great pilots who have grasped that wheel in the past, Washington, Jefferson, Jackson, Lincoln and others of perhaps lesser fame but of equally powerful devotion, they have been unable to conceive of such a thing as treachery in the pilot-house. The covenant fabricated in the secret recesses of the Quai D'Orsay places alien helmsmen in charge of this, our craft, and takes the wheel of the Ship of State from true American hands. We are launched upon new seas, never ventured upon by our great helmsmen of the past, and uncharted for us today except by the sinister cunning, imperial ambitions of historic enemies and present restive and envious kinsmen. Every patriot in the crew, from cabin to forecastle, every officer faithful to his oath, and every seaman devoted to his allegiance, must strive to bring Longfellow's allegorical "Ship of State" back to its moorings. This is a task fit to test the temper, the fibre, the patriotism of every true American.

Leadership tried and true, the possession of a courage which has never been found wanting is needed for the herculean task which confronts Americans of today, namely that of restoring the institutions established by the Fathers, of reviving the principles of the immortal Washington; in a word, of saving this, our beloved country, and all its institutions from the gulf which awaits it if the United States is to become a guarantor of European equilibrium. This restoration has always been Jeremiah A. O'Leary's ambition. The struggle over the League of Nations will determine whether it will be the ambition of a hundred millions of the American people.

JOSEPH W. GAVAN.

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Major Michael A. Kelly, D. S. C., Chevalier of the Legion of Honor of France and Winner of the Croix de Guerre, of the 165th U. S. Infantry (formerly the 69th New York Regiment).

PART I.

Biographical Sketch

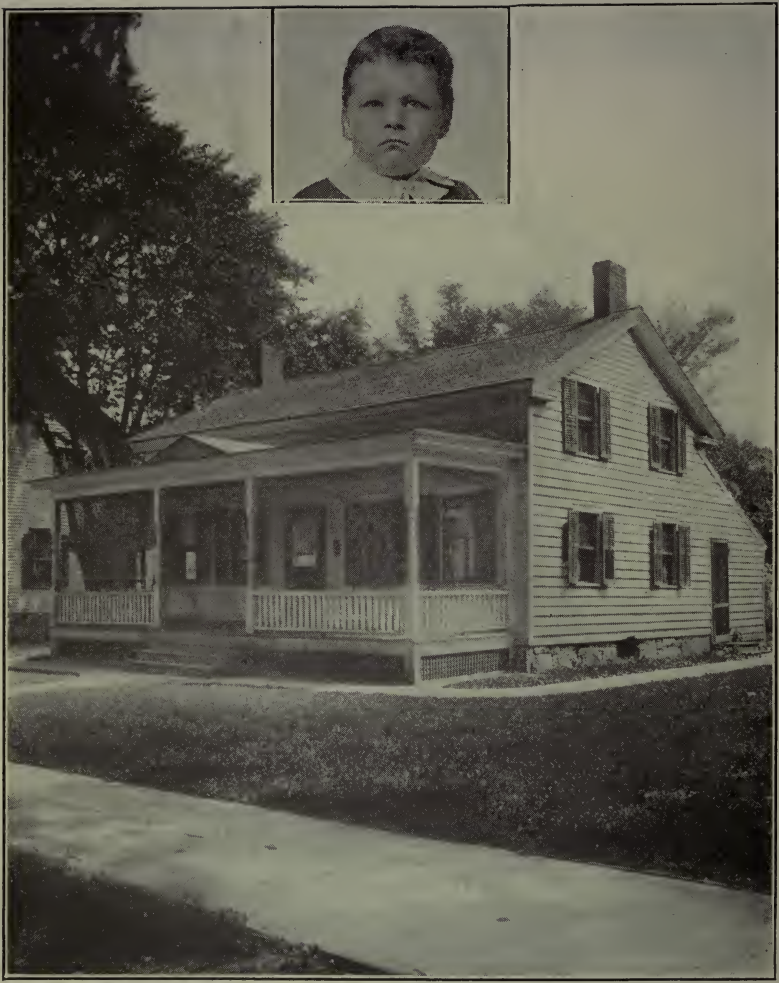
of

Jeremiah A. O'Leary

BY

MAJOR MICHAEL A. KELLY

Distinguished Service Cross, Chevalier of the Legion of Honor of France,
and Winner of the Croix de Guerre
Late of the 165th U. S. Infantry, A. E. F.
(The 69th New York Regiment)



The Old Homestead on Warren Street, Glens Falls, N. Y., Where Jeremiah A. O'Leary Was Born.

I.

EARLY LIFE.

Jeremiah A. O'Leary was born on July 24th, 1881, at Glens Falls, in the State of New York. His birthplace is a beautiful little city, nestling in the foothills of the Adirondack Montains, nine miles from Lake George, one of the famed picture-spots of America. It derives its name from a very pretty water-fall in the Hudson River about two hundred miles north of its mouth. The city was founded during Colonial days in the midst of the stirring period of the French and Indian Wars. A little later it was the scene of some of the most momentous events connected with the American Revolution. The battle of Saratoga was fought in the vicinity,—in fact but a few miles from the O'Leary homestead. A short distance to the northeast occurred the Battle of Bennington, where Mollie Stark won enduring fame and the British redcoats were driven back; to the north lay Forts George and Ticonderoga, made famous by the victory of Montcalm over Wolfe and by the thrilling exploit of Ethan Allen and his "Green Mountain Boys," which gave early life and inspiration to the cause of the patriots, by the speedy capture of Fort Ticonderoga, the most important British fort south of Quebec and the Gibraltar of America in strength of strategic position as well as the northern British base of operations against the Revolutionists.

Jeremiah's father, Daniel O'Leary, was also born in Glens Falls, while his mother was a native of County Kerry, Ireland. She migrated to America with her parents at a tender age. Jeremiah was the second of a family of seven children. He spent the spare hours of his early youth in reading the history of his native land and not only acquired a vast wealth of information respecting the Revolution and its leaders and the early history of the Republic, but more important even than his knowledge of facts and dates and places, was the avidity with which he absorbed eagerly the spirit which animated all America in these eventful times. His grandfather, John O'Leary, a native of Buttevant, County Cork, Ireland, spent many hours of the latter years of his good old age narrating to his grandchildren, with whom he lived, many anecdotes relating to American and Irish history. He had a remarkable memory and would devote hours telling the younger O'Learys, grouped around his easy chair, thrilling stories of the Indians, of the struggles of the early immigrants, the hardships of the early Irish settlers, of the battles fought in the vicinity of their own birth place, of the wrongs inflicted upon Ireland by England, of the scattering and the suffering of his own family in the early part of the nineteenth century, and generally of the contributions made by the Irish in America to the creation, development and growth of the American Republic. The subject of this sketch was only twelve years old when his grandfather died at the age of eighty-seven, but the grandfather had already implanted in the grandson the germ of that devotion to American ideals, which later was to plunge him with all his energies and talents into the vortex of America's fiercest struggle for the preservation of its historic policies.

When Jeremiah was thirteen years of age, his father, Daniel O'Leary, was appointed by Gov. Levi P. Morton head of the Factory Department of the State of New York, and the O'Leary family in consequence removed from Glens Falls to Albany, the Capital City of New York State. Here for six years Jeremiah found much to interest and inspire him in the splendid collection of war relics preserved in the great Capitol building. He was also afforded an opportunity for more extensive reading by the comprehensive library which is one of the features of the building. At the age of eighteen he decided to study law and three years later, upon attaining his majority, was admitted to the Bar. Two months later found him in New York City, practically a stranger in the big metropolis, entering upon the practice of his profession without seeking assistance or patronage from financiers or politicians—the method usually followed by the young lawyer eager to adopt the surest means of professional success. Following his talents he began to specialize in trial work and five years later found him a busy attorney and frequently in court as counsel in civil causes. He never lost a jury case until 1911, when after several years of the most intense professional effort his strength began to waver under the severe strain with the result that he lost three cases in succession. When this occurred he took a complete rest.

Recovering quickly, he again took up his legal work and from 1912 to 1914 we find him one of the most aggressive and successful trial lawyers at the New York Bar. He was the type of lawyer who went to Court thoroughly prepared, the master of his case. He usually won his cases by cross-examination and his final appeal to the jury. When the European War broke out he had built up a lucrative practice, earning a large income for a lawyer scarcely thirty-three years of age. In 1909, O'Leary was married to Gertrude E. Whalen, the daughter of Michael H. Whalen of New York City, a prominent Civil War Veteran and successful business man. His first son, born in 1911, he called Robert Emmet, and his next boy, Gerald. In all he has had four children, a girl, Gertrude, and Stephen Whalen, named after his uncle, Lieutenant H. Stevenson Whalen, who died an officer of the 69th Regiment at the Mexican Border just before the outbreak of the European War.

When twenty-four years of age, Jeremiah joined the Sixty-ninth Regiment. He refused a Commission, preferring to serve as a private in the ranks, where, as he frequently remarked, he "could be among the men." Eighteen months later however, he consented to become Second Lieutenant in Company B with which he remained until he resigned from the Regiment in 1910, after a service of almost six years. While in the Sixty-Ninth, he organized a Regimental Athletic Association and athletic teams and devoted himself to work calculated to build up the Regiment and improve the morale of the men. He became president of the Regimental Athletic Association, in which office he received all the assistance the writer, its secretary could give him. He was always popular among the men and active in their behalf, devoted to their comfort and interests, and aided by myself and other young officers, he succeeded in strengthening the organization greatly when it was threatened with disorganization by factional fights. As a consequence of such work under the command of Colonel Louis D. Conley, the Sixty-Ninth became a strong and compact body and fit for any service in 1916 when it was ordered to the Mexican border, and there trained for its later distinguished service in France.

An incident occurred shortly before O'Leary's resignation from the Sixty-Ninth, which throws a flood of light on his character. The Regiment, which has such a splendid war record, was organized during the days of the young Ireland Movement, when patriots such as Thomas Francis Meagher and John Mitchell were cast into prison by British courts for political offenses in Ireland. At that time American sympathy for Ireland ran high, and so pronounced was it, that the Sixty-Ninth Infantry was formed as a distinctively Irish Regiment for the express purpose of aiding in the liberation of Ireland and as such was admitted as a part of the National Guard of New York State. The finest types of young Irish-Americans joined it and drilled assiduously in the ardent hope that by becoming proficient in military tactics they might be better equipped to strike a blow for Ireland. This spirit of these days, so exotic to American Tories now was further evidenced by the great public reception which John Mitchel, grandfather of John Purroy Mitchel, late Mayor of New York, received in 1854 upon his arrival at New York following his escape from the British Convict settlement in Van Dieman's Land. Receptions were tendered him at the City Halls of New York and Brooklyn, at which the Mayors of the respective cities attended, while prominent public men and noted newspaper men like Horace Greeley, then owner and editor of the "Tribune," were conspicuous in paying their respects to the man who was stigmatized as a felon by British law merely because he loved human liberty. These incidents are in sharp contrast to the public opinion of our day, which in 1917 found

Jeremiah A. O'Leary at the Age of Thirteen Years.

the United States actually fighting with England and persecuting men like Jeremiah A. O'Leary for opinions which a few short years before were the badge of purest patriotism and the sign manual of unadulterated Americanism.

From the days of its organization down to the present the Sixty-Ninth Regiment has always been distinctively Irish and is recognized as such by public opinion and by public officials. On each St. Patrick's Day the Regiment attends Mass at St. Patrick's Cathedral, and in the afternoon marches proudly up Fifth Avenue at the head of the St. Patrick's Day Parade. When Lieutenant Colonel John Duncan Emmet resigned from the Regiment in 1901, various individuals, notably H. H. Rogers, Jr., son of the President of the Standard Oil Corporation, sought his place. Mr. Rogers, rich and powerful, with no Irish blood, undertook to use his wealth and influence and actually succeeded in securing the support of a large number of officers in the Regiment. O'Leary, anxious to preserve the Regiment's Irish traditions, and affronted at the idea of an outsider becoming its Colonel, organized, with my assistance and co-operation, the young officers into a solid unit against Rogers. We finally succeeded in bringing about the selection of Louis D. Conley, a man of Irish blood, who commanded the Regiment until 1916.

O'Leary's active interest in Irish organizations began about the time he joined the Sixty-Ninth. While a member of the Regiment, he never lost an opportunity at smokers and public affairs to remind the men of its traditions, or to portray the Regiment as a constant reminder of what America owes to Ireland and what the American of Irish blood owes to America. In speeches to the men he frequently referred to the fact that when the Prince of Wales, later Edward VII, visited New York in 1861, Col. Corcoran, then Commander of the Regiment, refused to order it to parade in the Prince's honor, although instructed to do so by his Commander-in-Chief, for which disobedience he was placed under arrest. He also related how the charges were withdrawn a short time later so that the Colonel might lead the Regiment to the front at the outbreak of the Civil War. He narrated frequently how Thomas Francis Meagher, later Commander of Meagher's famous Irish Brigade, the fighters par excellence of the Union Army during the Civil War, of which the Sixty-Ninth was a part, had been tried for treason in Ireland and sentenced to death, how his sentence was subsequently commuted to imprisonment in the penal colony at Van Dieman's Land, how he escaped, came to America to organize the Irish Brigade which won for the Irish in America imperishable glory upon the battlefields of the Civil War, notably at Marye's Heights, Fredericksburg—sometimes called the Balaklava of America.

The first Irish organization Jeremiah O'Leary joined was the Gaelic League. His entrance into this organization was no mere accident but a result of his convictions. He had read an address delivered by Dr. Douglas Hyde, appealing for the preservation of the Irish language and was so impressed by it that he immediately joined the Harlem Gaelic Society established in connection with All Saints' Church, New York, then as now under the guidance of Mgr. James W. Power, one of the staunchest friends of Ireland in this country. He studied Irish faithfully and at the end of one year became president of the Society, devoting himself earnestly to the promotion of the Gaelic revival until he retired in 1910. Included in its agenda were Irish language, literature, history, music and dancing. He was a member of the Executive Committee of the Gaelic League of the State of New York and served as a member of the Reception Committee which received Dr. Douglas Hyde at a great public meeting at Carnegie Hall on his visit to America. With his associates he also organized the Cumann Ceoil, a singing society, and aided in the organization of the Cumann na Rinnce, a dancing society of which his brother, John, was president and chief instructor. In this connection he aided materially in securing recognition by the Board of Education of Irish figure dancing, being one of the most excellent methods of developing agility and grace in children, with the result that it became a part of the physical culture curriculum in the Public Schools of New York City.

A few years after Mr. O'Leary joined the Gaelic League, he assisted in the establishment of the first Sinn Fein Society in America. Its presidency was tendered him, and while he declined the honor, he nevertheless took a very active part in the work and delivered a number of addresses before the Society on the possibilities of the Sinn Fein policy. He was an early subscriber to "Sinn Fein," the periodical established by Arthur Griffith and read all the splendid literature which this movement has inspired.

O'Leary's early grasp of Sinn Fein policy as a practical political policy serves as an excellent illustration of his vision. His ability to appreciate and understand the power of political ideas can be seen by the following peroration of an address delivered by him before the Brooklyn Gaelic Society in Imperial Hall, Brooklyn, March 17th, 1909, on the "Failure of Parliamentary Agitation." Speaking at that time, he said:—

"The Sinn Fein idea and the Gaelic Language movement as organized forces are new to Ireland. They are beginning at the bottom instead of the top. They teach the child the rudiments of nationality. They educate him to believe in the things of his own country instead of those of his country's oppressor, and to the adult they say, 'Look to yourself and your own country for the accomplishment of your hopes.' The day of physical force is not yet over, but an intelligent physical force is the power of today and will be the power of the future. In one generation education will give to Ireland what centuries have failed to yield. There can be no duplicity or deception with an educated people. These principles, if properly and intelligently pursued, will build up the Irish nation, by taking the unit of the nation, the individual, and after shaping and cementing each in one great national structure, placing unit upon unit, seasoning and testing every part, taking care that each unit fits the niche into which it is placed, shall rear the national structure aloft gradually and symmetrically into one harmonious whole with every unit performing its own separate function, yet constituting with one another one great national bulwark, solid, sturdy, irresistible and indestructible."

His interest in the Sinn Fein movement led to a very interesting incident which I deem worthy of narration in view of later developments. Diarmuid Lynch, later tried and condemned to death by a military tribunal during the Irish Revolution of 1916, was at one time President of the Gaelic League of the State of New York. Mr. Lynch's political sympathies were in 1908 given to the Home Rule policy of John Redmond and the United Irish League, while O'Leary, viewing the Irish question from the standpoint of pure Americanism, and guided by the examples of his own country, cherished the conviction that Ireland by right and by nature should be free. The two men, strongly differing on national policies, were in accord as to the necessity of the Gaelic renaissance.

Mr. O'Leary and his friends, anxious to advance the Sinn Fein idea, offered a resolution endorsing Sinn Fein principles at the convention of the Gaelic League, held in St. Stephen's Hall, New York, in 1908. Mr. Lynch, presiding, refused to receive the resolution and a warm and earnest discussion was the result. Lynch contended that Sinn Fein was political and would disrupt the League. O'Leary argued it was economic and the inevitable corollary to the League's program for the revival of Irish nationality. On the test vote, Lynch was sustained by a narrow majority. Later, Lynch went to Ireland, where he became an ardent Sinn Feiner and is today a member of Dail Eireann, having been elected from a constituency in Cork, Ireland. O'Leary's early advocacy of the principle and policy which was later to remold the national character of the Irish people and to forge anew their national destiny, was evidence that despite his youth he possessed a real grasp of deep political questions in their remotest bearings, and in particular an insight into the eternal Irish question, which was remarkable inasmuch as he was not a native of Ireland, nor had he ever traveled through the Emerald Isle.

An easy explanation of his convictions is found in his own simple statement: "I always approached the Irish Question from the American standpoint. The Declaration of Independence is the gospel of my Americanism. The American of Irish blood or of any other racial extraction who wishes for Ireland a lesser measure of liberty than that which America enjoys, is not in harmony with the spirit of real Americanism." During this period of his activities, O'Leary joined the Clan-na-Gael, a secret society devoted to the idea of an independent Ireland. The Clan-na-Gael is the lineal descendant of Irish Revolutionary movements dating back to the stirring days of 1798, the movement which inspired Robert Emmet, who was himself executed after leading an abortive uprising in 1803. It has had in its membership some of the ablest and most prominent men of the Irish race in America. Its influence has always been nation-wide and for twenty-five years it was able, by open and above-board campaigns, to defeat every movement which had for its object an Anglo-American alliance. In 1897 it defeated the Olney-Pauncefote Treaty, misnamed a treaty of arbitration, but in reality a skillfully contrived entering wedge into America's traditional isolation in world affairs and an insidious blow at Washington's time-honored admonition against European entanglements and wars. The Olney-Pauncefote Treaty was the "League of Nations" of its day. Later, during the Presidential Administration of Theodore Roosevelt, the influence of the Clan-na-Gael succeeded in denaturing another set of arbitration treaties which had been astutely drafted by the cunning hand of John Hay. Subsequently during the Administration of William H. Taft, it once more retarded England's fond hope of an alliance or "League" with the United States, which, as described by Andrew Carnegie, one of the most active propagandists in behalf of this treaty, was to be "effective both in peace and war." In all this work O'Leary took a deep interest and an active part. In 1897, at the age of sixteen, he wrote letters of protest to newspapers and read eagerly on the subject, while in 1907, during Roosevelt's Administration, he threw himself actively into the fight, made public speeches, organized meetings and wrote letters and articles discussing the question, first from the viewpoint of its constitutionality, about which there has always been grave doubt, and secondly, as a violation of Washington's warnings and American tradition. A series of letters written by him under the nom de plume "Constitution," to the New York Sun, in which he took to task a vigorous proponent of the treaties in 1911, serve to illustrate the deep study which he had made of the subject, and the earnest and convincing style in which he argued it. The letters attracted considerable attention both in New York and Washington and his arguments were largely those which later prevailed in the Senate discussions against the adoption of the treaties.

As a result of the publication of these letters, Mr. O'Leary began an acquaintanceship with Major John Bigelow, the son of John Bigelow, the devoted friend and associate of Lincoln. Major Bigelow, being then at Highland Falls, New York, read the letters in the Sun, and was so impressed that he called at the Sun office and sought to learn the identity of the writer. Mr. O'Leary was in his office one day, when a member of the Sun staff called him on the telephone and said, "Major Bigelow is here and wants to learn your identity. Have you any objection to our telling him your name?" Mr. O'Leary promptly replied in the negative. A few minutes later, Major Bigelow called upon him and seeing a comparatively young man, evidenced his surprise, but said laughingly, "Are you 'Constitution'?" O'Leary answered, "Yes, in the Sun." "Well," remarked the Major, "I must say that I am surprised to find 'Constitution' such a young man. I thought at least he might have a beard." The Major then congratulated him upon his able letters, invited him to dine, and a friendship was begun which did not end until the Major's death.

Mr. O'Leary's interest in international questions developed largely through his deep study of American history and his intimate acquaintance with the lives and views of America's

Jeremiah A. O'Leary at the Age of Twenty-four Years.

greatest men, particularly Washington, Jefferson, Hamilton, Madison, Jackson, Monroe and Lincoln. His interest in Ireland as well as his association with Irish activities convinced him that Irish organizations in defending American traditions against British intrigue, had assumed a burden which properly belonged not to them alone, but to all Americans. He took very seriously the carping criticism hurled at Irish organizations, chiefly by the press, which contended that they were actuated by foreign prejudices, and resolved to create an organization which would be American in all its limitations, a society which would devote its energies to fostering the ideals of "76" and the principles of the men which that great period of American history produced. He had made an intensive study of the press and of the influences which control it. He delved deep into the lives, activities and associations of the Americans and Englishmen who had been and were active in promoting the Anglo-American alliance, and in January, 1912, we find him organizing the American Truth Society, a storm center in the country almost from the time its establishment was announced.

He sought earnestly to interest Americans of Anglo-Saxon lineage in the Society. He wrote a brochure entitled "The Plan and Scope of the American Truth Society," and personally paid for its printing and free circulation. In this pamphlet he appealed to men of Anglo-Saxon ancestry to join with Americans of other races in upholding the traditions of the past. He pointed out that Washington was of British extraction and pleaded with men of Washington's race to rally to the ideals of the Father of his Country, proclaiming him a greater man than any living British or American statesman. He exposed the object of the British propaganda. He did not succeed in attracting many of those to whom this appeal was directed, but he was not discouraged. He incorporated the Society, organized a Board of Directors and decided upon a campaign of Americanism by letter-writing and pamphleteering as a means of interesting the people in its aims and programme.

Men of O'Leary's genius, courage, manliness, patriotism, energy, sincerity, initiative and deadly enmity to everything dishonorable—men of "sovereign parts," whose personal lives are of ascetic cleanliness—are rare these days, and it will be a pleasant memory in after years to be able to say that one enjoyed the friendship and was honored with the confidence of Jeremiah O'Leary.

Jeremiah A. O'Leary as an Officer in the 69th Regiment.

II

THE AMERICAN TRUTH SOCIETY

The attitude of the American Truth Society toward problems of vital importance to the United States and the position of its founder, Jeremiah A. O'Leary, were outlined in a brochure entitled "The Plan and Scope of the American Truth Society," which, in part read:

"The American people, as represented by the press and other institutions have been dead to the idealism of Washington, Jefferson and Lincoln for the past twenty-five years. When Lincoln was shot, the last great American statesman passed away. We have true American statesmen today, but they are assassinated by the press whenever they assert themselves. Our public men who would break the shackles of such tyranny are brow-beaten into silence. New York, Boston, Philadelphia, Washington and even Chicago to a less extent as well as other cities are hotbeds of aristocrats who prefer the glitter of British royalty to the plain texture of American democracy. In the rural parts of the country, American idealism is stronger and more healthy, but in our cities 'where wealth accumulates, men decay.' These conditions are expressed and attacked by the American Truth Society in this pamphlet. We don't want the reader to approach the facts with a mind of adamant, made so perhaps by the baneful influences we are aiming at. The issues involved are simply—Rhodes, Carnegie and Haldane versus Washington, Jefferson and Lincoln, or we might say British imperialism versus American idealism. True Americans of English descent should prefer the idealism of Washington, Jefferson and Lincoln. If the American Truth Society were anti-British or anti-Anglo-Saxon, it would never have selected these men who have shed so much glory on the forbears who gave them to us. Washington, Jefferson and Lincoln were all anti-British, and only to the extent of these great men is the American Truth Society anti-British, because in the United States we have a nation whose idealism is far superior to that which has produced the financial institution that has been called the British Empire. The American Truth Society would prefer to find American citizens with so-called Anglo-Saxon tendencies worshipping at the shrine of Washington and his distinguished fellow statesmen, than inclining to the idealism which has produced the opportunists Asquith, George or Carson. Remember, that these are the United States and that other bloods than British make up our people. There is much in the English that is needful, but there is much in the idealism of other races that is needful, too. Shall we reject the best which the Teuton and Celt can give us? Shall we propagate a doctrine which shall dwarf their strength? Is it not a better policy to develop their strength by welcoming them into the melting pot as a part of the American people, devoted to the principle 'all men are created equal?' The American Truth Society is striving to preserve the American ideal which is founded upon love, which is devoted to all races, not one race, and which believes that all statesmanship which tends to peace on earth must rest upon a foundation of truth and justice, truth first, then, justice, after which peace will inevitably follow.

"In 1776 our country, then comprising thirteen colonies in the throes of a long and bloody war, declared its absolute independence from Great Britain. The present constitution was adopted September 17, 1787, and through the organism of that document the nation has grown strong, prosperous and happy. Next to the Declaration of Independence, Washington's Farewell Address is the most important national document. It has been the guide to our nation in its foreign affairs. It has been followed by every statesman and political party down to recent times. The effect of Washington's policy has been to keep the nation free from foreign wars and entanglements. This policy of national concentration has kept the minds of the people riveted on internal affairs. It has been our constant guarantee of peace; the secret of our unparalleled prosperity.

It has attracted to our shores the best brains, brawn and energy of the nations of the world.

"At the close of the American Revolution the population of the new Republic was about three millions, over one-third of which was Teutonic and Celtic in origin. After peace was established the nation grew apace, so that in 1820 by immigration (largely Irish and German) and natural increase, the population leaped to nine millions. Today the nation is one hundred millions, including about ten million negroes. This growth has been due to immigration more than to any other factor. Since 1820 at least thirty million human souls have entered these shores seeking life, liberty and happiness under our escutcheon of equality and democracy. These thirty millions were made up of about one-sixth German, one-seventh Irish, one-eighth Austro-Hungarian, one-ninth Italian, one-tenth English, Scotch and Welsh, the balance being subdivided amongst Russians, Swedes, Norwegians, French and others.

"It must be clear from above facts that the United States is not a nation in a racial sense. A perusal of our history, or Declaration of Independence and our Constitution convinces one that the United States is a nation devoted to principles of equality and justice, and is not distinguished by either language, race or blood. It is therefore bound to all nations by ties of blood, and the genius of our statesmanship should direct the nation clear of all movements and policies which would tend to a consolidation with or absorption by any one nation lest we offend those of other bloods and races who are Americans equally with all, and unless we lose our identity as a nation. Such a consolidation would tend to tyranny because it would change the aspect of the nation from a temple of justice for all to a habitat of grace for one race. England is a monarchy built upon the racial idea only; the United States is a republic built upon principles of equality and justice—the democratic idea. The Declaration of Independence as the basis embodies three great principles: 1. All men are created equal. 2. All governments derive their just powers from the consent of the governed. 3. Man has an inalienable right to life, liberty and the pursuit of happiness.

" 'Land of the Pilgrim's pride—of thee I sing' is the spirit of the Anglo-Saxon movement in the United States. Why not 'Land of the Spaniards' pride?' The Spaniards founded St. Augustine, the oldest city in the United States, over half a century before the Mayflower landed. Why not 'Land of the Frenchmen's pride'? Cartier and Chamberlain sailed up the St. Lawrence and founded Montreal and Quebec long before the Pilgrims were driven from England by religious persecution. And why not include the enterprise of the Swedes of Delaware, the Germans of Pennsylvania, the Dutch of New York and the Irish in every colony? This is the evil of the Anglo-Saxon propaganda. It is exclusive. Being exclusive it is un-American and unjust.

"The discovery, history and development of the colonies were cosmopolitan in their aspect and not only justice but truth demand recognition of this fact. The Revolution was also cosmopolitan. In that fortunate war for mankind the German had his Von Steuben, the Dutchman his Schuyler, the Frenchman his Lafayette, the Irishman his 'Jack' Barry, the Pole his Kosciusko, and the Englishman his Washington; as Americans we have them all, but as Anglo-Saxons we exclude them all but Washington. Why should we exclude them? Their names may be erased from history by jealous and aggressive Anglo-Saxon racial influences but their blood cannot be uprooted from the soil. In the soil it must remain as the title of the kin of these men to the principles they established. In the soil it must remain as an inspiration to their descendants to keep their nation aloof from all policies and entanglements that must re-create the evils they destroyed.

"Since the discovery, history and development of the United States were cosmopolitan in their aspect, and since the nation is devoted to principles of equality and justice, it cannot rightfully be referred to by any racial name. We may say our language is English. We may say our laws to a great extent were taken from England, and we may assume that language and laws have left their impress upon our civilization for good or evil, but blood has greater influence upon a democratic State than language, which fact becomes apparent when we examine the tendencies of the various States of the Union where the language is the same, but where the laws and customs differ widely. To say that New Mexico, Arizona or Louisiana are Anglo-Saxon States does not seem to be consistent with the history, blood, language or laws of those States, yet they are a part of the Union, but to call them American does suggest at once that they are a part of the whole nation. 'Anglo-Saxon' suggests at once blood, race, but 'American,' as it has now become accepted in its meaning, imparts the idea at once of the people of the United States, not in a racial sense, but as a collection of individuals who form the great democracy of the Western Hemisphere. England may and should feel proud that this great Republic speaks her language; that it originally adopted the common law and her system of equity jurisprudence, but the ties of language and law did not prevent the Revolution; and the same systems of law did not bring the peoples together afterward.

"John C. Calhoun, in a debate with John Randolph and Rufus Choate in the United States Senate, expressed the same thought as follows:

" 'The gentleman is at a loss to account for what he calls our hatred for England, he asks—How can we hate the Country of Locke, of Newton, of Hampden and Chatham—a country having the same language and descended from a common ancestry? The law of human affection is steady and uniform. If we had so much to attach us to that country powerful indeed must have been the cause which overpowered it. There was a cause strong enough—not that occult, courtly affection but continued and unprovoked insult and injury.'

"England should abide the Revolution and not confuse gratitude with ownership nor jurisprudence with governmental control. If England has endowed us with her language, the other nations have endowed us with their people, more important to our welfare and future than language. We must have land first—God provided that. An Italian discovered it and all peoples have developed it. We must have human beings second—all nations have provided them. We must have independence third—every race gave us that, and then for convenience we adopted English laws, or as much of them as were not inconsistent with our independence, and then also for convenience we agreed to speak English so that we could understand each other. Let us be grateful then to God and to Europe (not England alone) for our country, our people and our independence. England's claim upon the United States by way of language is weakened by the fact that the English language is largely made up of other languages, notably Latin and Greek, stocks which were not Anglo-Saxon in any sense. If we as Americans are asked to look back to England for our language, why stop at England? Why, if we are going back at all to analyze the body politic, do we do it only partially? Why not do it thoroughly? But why go back at all? Why not go forward? Progress is the trend of the human race. Back to England is retrogression. Forward with America is progression. 'Anglo-Saxon' therefore means retrogression; 'American' means progression.

"With these few thoughts let us examine the Anglo-Saxon trend. In examining it let the reader note the passionate utterances of its propagandists. Much has been said of hyphenated Americanism. What kind of hyphenated Americanism is it which has excluded the word American from the term? 'Anglo-Saxon' is a hyphenated word, yet it fails to express 'American.' It is, therefore, an unpatriotic term. As has been pointed out, it is retrogressive and exclusive. Being retrogressive it is degenerating, and being exclusive it is inconsistent with American equality and democracy and therefore undemocratic and prejudiced. Being prejudiced, both in conception and comprehension, it constitutes an injection into the people and affairs of the United States of the passions and prejudices of the English people and therefore the hatreds engendered by the present war and England's history. For instance—the Irish in America love Washington because Washington established the American conception of liberty; but they despise Cromwell, whose idea of liberty was to despoil Ireland and drive the Irish into 'Hell or Connaught.' 'Anglo-Saxon' comprehends both of these characters, but American excludes Cromwell and indicates Washington. Every American of Irish descent is perfectly justified in rejecting the term 'Anglo-Saxon' for this reason alone, and he can not be dubbed a hyphenated American for doing so. If there is any hyphenation at all it plagues the Anglo-Saxon idea. The word was devised to express the two nations as one—that is to say to hyphenate or connect them.

"If the Irish have brought any prejudices across the Atlantic they are a tonic to the United States. The Irish do not hate Englishmen individually, but they fear—and justly so—the nefarious financial institution called the British Empire—a machine that grinds out its product by the sweat and blood of millions upon millions of human beings scattered over the earth—a machine which, as the American Truth Society will briefly establish, is now building its hopper upon the soil from which it was expelled one hundred and thirty-nine years ago. Jefferson's description of the British Government suffices:

" 'We concur in considering the Government of England as totally without morality, insolent beyond bearing, inflated with vanity and ambition, aiming at the exclusive dominion of the seas, lost in corruption and deep-rooted hatred towards us, hostile to liberty wherever it endeavors to show its head, and the eternal disturber of the peace of the world.'—(Letter to Thos. Liper, June 12, 1815.)

"Great Britain has never taken the United States seriously. She tried to conquer the United States three successive times, namely, in 1776, 1812 and 1861. In 1861, while England did not openly declare war, she carried on war against us by aiding the Confederates in the attempt to split the nation in twain. Her feelings toward us are best demonstrated by the following choice dissertation upon Abraham Lincoln, extracted from the London Morning Herald of Nov. 23, 1864, which reads:

" 'We look and perceive a community numbering millions in the North, without a man of genius, or of political probity wise or strong enough to counsel or to guide them aright. We see a military despotism never yet paralleled in Russia, in which the sceptre clinks the bayonet and the bayonet sharpens the sceptre, both being weapons of spoliation and terror to society. Half a million of soldiers ravage one of the most generous regions of the globe. Future generations—if such are reserved for America—are daily shackled with hopeless debt. New England, the Far West, and the best of the old Puritan States, are bleeding to exhaustion. And Bishop Simpson's missionary is Abraham Lincoln, the mouther of stump speeches, the buffoon of the battlefield (after the battle is over), the concocter of humorous State documents upon questions of awful import to mankind, the swindler of the American constituencies, and the Judas of his country. * * * A constitution violated, humanity outraged, Christianity scoffed at, war made fiendish—a thousand monuments of shame and ruin scattered over the land; and yet the maddened people seem proud of confiding that which Bishop Simpson proves their destiny to a desperado without one quality of demeanor or of intellect which would fit him to be more than a parish beadle. The only difference is that he can bluster, can corrupt, can select base instruments, can be mean and violent at the same time, can mock and jibe at misery, can ordain conscriptions, can play false with liberty, can scourge the press which made him what he has been, can gag the mouths of his fellow-citizens, and can be the hoot-owl of a direful conflict spreading its horrors from Canada to the Mexican Gulf, from the Atlantic to the Pacific Ocean.'

"This rabid hatred of everything American is the key to the movement now on foot to eradicate the word 'American' and to substitute the word 'Anglo-Saxon.' It is interesting to contrast the feeling of 1864 and that of 1812. Gloating over the wanton destruction of Washington by General Ross and his British troops during the war of 1812, the London Times said:

" 'Shall England, the mistress of the seas and dictator of the maritime law of nations, be driven from her proud eminence by a piece of striped bunting, flying at the mast-head of a few fir-built frigates, manned by a handful of bastards and outlaws?'—Patton's History of U. S., 597-598.

"England now claims to be the mother country of these 'bastards and outlaws.' The 'Anglo-Saxon' propaganda is founded upon the claim that 'England is the mother country.' When we were patriotically American we were 'bastards'; when we became necessary to her plans of world empire we became the 'offspring of the mother country.'

"The American which England particularly despised was the so-called Yankee type, as appears from the following comment, also taken from the London Times, upon the seizure of Mason and Slidell, two Confederate agents, upon the British merchant ship Trent, by Capt. Wilkes, of the U. S. man-of-war San Jacinto, during the Civil War:

"'He (meaning Capt. Wilkes) is, unfortunately, but too faithful a type of people in whose foul mission he is engaged. He is an ideal Yankee. Swagger and ferocity, built upon a foundation of vulgarity and cowardice—these are his characteristics, and these are the most prominent marks by which his countrymen, generally speaking, are known all over the world. To bully the weak, to triumph over the helpless, to trample on every law of country and custom, wilfully to violate the most sacred interests of human nature—to defy as long as danger does not appear, and—as soon as real peril shows itself, to sneak aside and run away—these are the virtues of the race which presumes to announce itself as the leader of civilization and the prophet of human progress in these latter days. By Captain Wilkes let the Yankee breed be judged.'—Lossing's History of U. S., Vol. VI, 1540.

"The brutal treatment of American officials, athletes and the American flag by British officials at the recent London Olympic games, and the defeat of the Reciprocity Treaty with Canada, which was passed by the American Congress at the solicitation of Canada, are ample evidence that the 'Yankee' prejudice is still rampant.

"It is not surprising, therefore, when we find the first will and testament of Cecil Rhodes, a Privy Councillor of England, dated September 19th, 1877, providing for trust funds in part as follows:

" 'To and for the establishment, promotion and development of a SECRET SOCIETY, the true aim of which and object whereof shall be the extension of British rule throughout the world, the perfecting of a system of emigration from the United Kingdom and of colonization by British subjects of all lands where the means of livelihood are attainable by energy, labor and enterprise, and especially the occupation by British settlers of the entire continent of Africa, the Holy Land, the Valley of the Euphrates, the Islands of Cyprus and Candia, the whole of South America, the Islands of the Pacific not heretofore possessed by Great Britain, the whole of the Malay Archipelago, the seaboard of China and Japan, the ultimate recovery of the United States of America as an integral part of the British Empire; the inauguration of a system of Colonial representation in the Imperial Parliament, which may tend to weld together the disjointed members of the Empire, and finally the foundation of so great a power as to hereafter render wars impossible and promote the best interests of humanity.'

"Rhodes expressed the significance of Anglo-Saxonism without hypocrisy or equivocation. He called it 'the re-conquest of the United States of America as an integral part of the British Empire.'

"Mr. Carnegie plans to devote practically his entire fortune of a half billion dollars to the Rhodes idea.

"The donation of Mr. Andrew Carnegie of the enormous sum of $10,000,000 as a peace fund, yielding $500,000 annually, should excite interest. A discretionary endowment pension fund of almost $20,000,000 for college professors, involving the use of money which must of necessity influence our professors is another important fact. The establishment of libraries in cities and towns throughout the nation under certain conditions is still another. Mr. Carnegie plans to devote practically his entire fortune to the accomplishment of the Rhodes idea. These facts should cause us to scrutinize the mind and heart of this man if we wish to discover whither these contributions may lead us. In June, 1893, Mr. Carnegie, in the North American Review, wrote:

"'Let men say what they will, I say that as surely as the sun in the heavens once shone upon Britain and America united, so surely is it one morning to rise, shine upon and greet again the reunited state,—The BRITISH-AMERICAN UNION.'

"His plans to carry out this subject were outlined by him in an address delivered in the Gilfillan Memorial Hall, Dundee, Monday, Sept. 4, 1890, as follows:

"'There is only one way you can make a step towards the unification and consolidation of the English-speaking race, and that is by bringing this little Island into line with the progeny she has established throughout the world. The first step will be taken in the great mission of the English-speaking race, for it will then be so powerful that our race will be the arbiters of the world and can enforce disarmament, and if any two nations undertake to draw the sword it will be prepared to say, Hold, I command you both. The man that stirs makes me his foe. Beyond this stretches the noble dream of the poet, and I believe it is salutary to dwell upon these dreams that should become realities. One step further. After the English-speaking race become united we have the Parliament of man, the federation of the world.'

"In the event that American patriotism should resist this proposed disestablishment of the United States as an independent nation, Mr. Carnegie said:

"'National patriotism or pride cannot prove a serious obstacle in the way of reunion.'—(North American Review, June, 1893.)

"He disposes of our political parties as follows:

"'All party divisions sink into nothingness in my thoughts compared with the reunion of our race.'—(North American Review, June, 1893.)

" 'His attitude towards political questions in America and his contributions are explained by his own words:

" 'Whatever obstructs reunion, I oppose; whatever promotes reunion, I favor. I judge all political questions from this standpoint.'—(Dundee, Sept. 14, 1890.)

"The fiscal policy of the United States he proposes to subordinate to England's, as follows:

" 'I do not shut my eyes to the fact that reunion bringing free entrance of British products, would cause serious disturbance to many manufacturing interests near the Atlantic Coast which have been built up under the protective system. Judging from my knowledge of the American manufacturers, there are few who would not gladly make the necessary pecuniary sacrifices to bring about a reunion of the old home and new.'—(North American Review, June, 1893.)

"The racial influences which might possibly oppose such a union he disposes of as follows:

" 'The amount of blood other than Anglo-Saxon and Germanic which has entered into the American is almost too trifling to deserve notice and has been absorbed without changing him in any fundamental trait.'—(North American Review, June, 1893.)

"His plans for universal peace are eminently peaceful:

" 'The reunited nation would be prompt to repel any assault upon the soil or the rights of any of its parts. Consider its defensive power. A reunion of the Anglo-Americans consisting today of 108,000,000 which 50 years hence will number more than 200,000,000 would be unassailable upon land or sea by any power or combination of powers that it is possible to create. The new nation would dominate the world.'—(North American Review, June, 1893.)

"The people's rights and capitols of this united government were thus outlined by Carnegie:

" 'The action of a Congress elected by all these elements would not differ much upon fundamental questions affecting the rights, liberties and privileges of the people, from a Congress of Americans sitting in Ottawa, or, from the action of a British Parliament similarly elected sitting in London. No citizen of any of the present states either British or American would have occasion to fear the loss of anything which he now holds dear from reunion.'—(North American Review, June, 1893.)

"It is apparent to true Americans that the ultimate result of such policies is the reconquest of the United States by Great Britain. It is the revival of the ambitions of Genghis Khan, who said, 'There is one God in heaven, there shall be one Ruler on earth.' The ruler shall be England.

"On September 1st, 1913, Richard Burton Haldane, the Lord High Chancellor of England, left the King's conscience in London and journeyed to Montreal, to address the American Bar Association of the United States, which also left its conscience behind to go to Montreal to hear him. The eminent and distinguished jurist's subject was 'Higher Nationality—A Study in Law and Ethics.' After going to Goethe for his inspiration and finding it in the German word 'Sittlichkeit,' he proceeded to expound in a roundabout way the real purpose of his visit and the real purpose of the holding of a meeting of the American Bar Asssociation outside of the United States. Finally, in conclusion, he said the following:

" 'In the year which is approaching, a century will have passed since the United States and the people of Canada and Great Britain terminated a great war by the Peace of Ghent. On both sides the combatants felt that war to be unnatural and one that should never have commenced. And now we have lived for nearly a hundred years not only in peace, but also, I think, in process of coming to a deepening and yet more complete understanding of each other, and to the possession of common ends and ideals, ends and ideals which are natural to the Anglo-Saxon group and to that group alone. * * * I am concerned when I come across things that were written about America by British novelists only fifty years ago, and I doubt not that there are some things in the American literature of days gone past which many here would wish to have been without. But now that sort of writing is happily over, and we are realizing more and more the significance of our joint tradition and of the common interests which are ours. It is a splendid example of the world that Canada and the United States should have nearly 4,000 miles of frontier practically unfortified. * * * I think that for the future of the relations between the United States on the one hand and Canada and Great Britain on the other, those who are assembled in this great meeting have their own special responsibility. We who are the lawyers of the new World and of the old mother country possess, as I have said to you, a tradition which is distinctive and peculiarly our own. * * * We play a large part in public affairs and we influence our fellowmen in questions which go far beyond the province of law and which extend to the relation of Society to that 'Sittlichkeit' of which I have spoken. In this region we exert much control. If, then, there is to grow up among the nations of our group and between that group and the rest of civilization, a yet further development of 'Sittlichkeit,' has not our profession special opportunities of influencing opinion which are coupled with a deep responsibility? * * * This then is why, as a lawyer speaking to lawyers, I have a strong sense of responsibility in being present here to-day, and why I believe that many of you share my feeling. A movement is in progress which we by the character of our calling as judges and as advocates have special opportunities to further. * * * And I believe that if we * * * as a body in our minds and hearts 'highly resolve' to work for the general recognition by society of the binding character of international duties and rights as they arise within the Anglo-Saxon group, we shall not resolve in vain. A mere common desire may seem an intangible instrument, and yet intangible as it is, it may be enough to form the beginning of what in the end may make the whole difference. Ideas have hands and feet, and the ideas of a congress such as this may effect public opinion deeply. It is easy to fail to realize how much an occasion like the assemblage in Montreal of the American Bar Association on the eve of a great international centenary, can be made to mean, and it is easy to let such an occasion pass with a too timid modesty. Should we let it pass now, I think a real opportunity for doing good will just thereby have been missed by you and me. We need say nothing; we need pass no cut and dried resolution. It is the spirit and not the letter that is the one thing needful. * * * If we would learn to swim we must first get into the water. We must not refuse to begin our journey until the whole of the road we have to travel lies mapped out before us. * * * And now I have expressed what I had in mind. * * * The occasion has seemed to me significant of something beyond even its splendid hospitality. I have interpreted it, and I think not wrongly, as the symbol of a desire that extends beyond the limits of this assemblage. I mean the desire that we should steadily direct our thoughts to how we can draw into the closest harmony the nations of a race in which all of us have a common pride. If that be now a widespread inclination, then, indeed, may the people of three great countries say to Jerusalem, 'Thou shalt be built' and to the temple, 'Thy foundation shall be laid.' "

"Can any American citizen doubt the significance of this language? What 'Shalt be built'? Clearly Rhodes' world empire controlled by Great Britain. What 'Foundation shall be laid'?—the foundation of Mr. Carnegie's dream,—'The British-American Union.' Now we have the same desire—Rhodes, 1898; Carnegie, 1893; Haldane, 1913.

"The foregoing excerpts from Haldane's address contain the key to the pro-British attitude of the press of the city of New York with its tremendous effect upon the press of the nation. If Lord Haldane suggested a common understanding on the Anglo-Saxon question among the members of the American Bar Association, there can be no doubt but that a 'Lord Northcliffe,' a British newspaper owner, has arranged a similar understanding among the American newspapers. College professors, educators and publishing houses have been taken care of the same way. We will see later how other institutions have been affected."

III

THE SOCIETY IN ACTION

The charter of the American Truth Society, filed in the office of the Secretary of State of New York, records the objects of the Society to be "to propagate a spirit of pure Americanism; to preserve American traditions inviolate; to resist by truth all attempts to garble or falsify the history of the United States." A review of Mr. O'Leary's activities is interesting for its illustrations of how scrupulously he complied with the letter and spirit of this charter. At his own expense a pamphlet written by John C. L. Allen, a member of the Society, describing the rise and fall of the American merchant marine, was widely circulated. Brochures by the same author appealing for the Americanization of American corporations and industries were also distributed broadcast. Lincoln's address at Gettysburg was printed in red and blue on a postal card in the form of an American flag and given away in quantities. Resolutions were adopted and sent to Congress, urging that body to print Washington's Farewell Address as a public document to every voter in the country, with the admonition that he read it as a proper means of celebrating Washington's birthday. Americanization of immigrants was advocated as a means of conserving their financial resources for the United States, it being pointed out that foreign governments, by controlling banks, controlled their resources and ties were thus maintained which resulted in the sending of the savings of many immigrants to the old home land. The value and timeliness of this idea became evident, when subsequently investigations were conducted into the operations of German, Austrian and Hungarian banks in this country.

It was discovered that in British Guiana laws had been enacted excluding American citizens from the ownership of oil and mining rights. The American Truth Society exposed and protested against this unwarranted discrimination. It was also disclosed that our national anthem, "The Star Spangled Banner" had been emasculated by the elimination of the third verse. This too was exposed and vehement opposition offered to the anti-American purpose which inspired this excision. It was discovered that certain textbook companies, notably the American Book Company, had published histories with certain emasculations. One instance in particular merits a reference, namely Barnes' "School History of the United States." In its early editions a footnote to the account of the Battle of Fredericksburg contained a very glowing tribute to the heroic charge of Meagher's Irish Brigade against Marye's Heights in that remarkable engagement. In later editions this eulogy was eliminated so that all reference to the Irish extraction of the gallant soldiers, who gave to the United States one of its finest military traditions, was omitted.

All these undertakings were financed by O'Leary personally. He had the vision. He saw the danger. He made the sacrifices. As a result of the Society's agitation, histories which had been falsified or emasculated, were excluded from school use in several states by legislative enactment. In the case referred to, the matter was also taken up by the American-Irish Historical Society, and resolutions of protest were passed by survivors of Meagher's Irish Brigade. Such incidents as these were explained by the American Truth Society as tending to illustrate the operations of what it stigmatized as the British propaganda in the United States.

Another undertaking of the American Truth Society under Mr. O'Leary's direction is worthy of note. The City of New York was engaged in the construction of subways, and contracts involving the expenditure of millions had been let. At this time there was on the statute-books a law which prohibited the employment of aliens on public works. Every contract provided for compliance with this law, yet when work was in full operation, every contractor violated the statute and employed alien laborers at one-half the wage which citizens would have demanded. Attracted by some reference in the public press to the work of the American Truth Society, a man whose ancestors were among the founders of Fort Orange, now Albany, called on Mr. O'Leary and related how he had been employed on the subway and had been discharged within two hours by an Italian foreman, who rejected him because he was an American citizen. The foreman could scarcely speak a word of English. The citizen was an expert in the work from which he had been discharged.

O'Leary was amazed and indignant and waiving aside the thought of compensation, devoted himself to an investigation of the actual circumstances attending construction work on the subway. He found that contractors were not only violating the law, but were discriminating against American citizens, even those whose ancestors were among the founders of the country and importing foremen employed by agents abroad and shipped here to work at lesser wages than American citizens could afford to accept. With the endorsement of the American Truth Society, Mr. O'Leary began proceedings in the courts through the Public Service Commission, and the office of the Public Prosecutor, which finally resulted in a declaration by the Supreme Court of the United States that the law which contractors were violating was constitutional.

When O'Leary began these proceedings he was denounced by some of the newspapers, but later during the European War, the same papers reversed their opinions and argued for the necessity of more stringent laws to protect public works from alien labor. The case in the original court was decided in favor of his contention. In the Appellate Division of the Supreme Court the verdict was unanimous against him and the Court ridiculed his views. In the Court of Appeals, six judges gave him the decision, one judge dissenting from the majority opinion. In the Supreme Court the Judges were unanimous in sustaining his contentions. The decision threw the subway contractors and financiers into a panic and the situation was finally relieved by the Legislature of New York, which passed a bill validating all contracts which had been invalidated by the decision of the Supreme Court and permitting the employment of alien labor, but only in cases where citizen labor was unobtainable.

When O'Leary was arguing his points before the Appellate Division one of the judges was very hostile and interrupted him frequently. Finally O'Leary was moved to remark, "I came here to argue this case before this Court, not against it." He was permitted to proceed thereafter without further interference. An appeal was made throughout New York to pay him for his loyal and splendid service, but it yielded little. He gave his time, his energies, his talents gladly for the benefit of his fellow citizens. He was offered an appointment as special counsel in the proceedings by the Chairman of the Public Service Commission, Hon. Edward E. McCall, but declined, preferring to work as a free lance, even without compensation. An attempt was made by the contractors to bribe him—a friend having been selected to approach him—but he replied, "If I had any doubt before, I am sure now that I am right."

Just before the European War broke out a Committee to celebrate one hundred years of peace with Great Britain was appointed, and all over the United States, through the press, at public functions, in universities and clubs and by pamphleteering, the idea was energetically promoted. Congress and every State Legislature were importuned to make the celebration official and to appropriate large sums of the people's money to pay the expenses of the ceremonies in each State. The New York Assembly had before it a bill to celebrate Perry's victory on Lake Erie in 1812 and to provide for a monument at Put-in-Bay, not to celebrate the victory, but to record the fact that it was the last war fought with Great Britain for one hundred years. The American Truth Society opposed this ingenious propaganda on the ground that it was discriminatory and that it excluded other nations with whom "we had always been at peace and which had contributed to our upbuilding millions of desirable citizens." It opposed the appropriation of public moneys for insidious celebrations and as a result of the Society's endeavors, all appropriations were prevented and the celebration committees were compelled to provide their own funds for their undertakings.

For this public-spirited activity the American Truth Society and Mr. O'Leary in particular were attacked venomously in many newspapers throughout the country and their efforts were characterized as "anti-British propaganda," O'Leary himself being described as an "anti-British agitator." His real motive as well as the purposes of the Society, were deftly concealed from the American people. He smarted under these attacks and in public utterances bitterly assailed these newspapers, accusing them of "being controlled by British gold." These attacks made him a target thereafter for the press, with the result that all reports of practically every speech which he made thereafter were either distorted or garbled. As a result, he turned much of his attention to the press, and in the majority of his speeches thereafter, paid his respects to corrupt newspapers and their proprietors.

The constitution and by-laws of the Society were careful in limiting membership in it to American citizens. They prohibited the display of any flag but the American emblem at public and private meetings of the Society, and also prohibited addresses by any save American citizens at the Society's public functions. These precautions were for the purpose of eliminating any and all foreign influences from the Society's work. Before the European war began, the activities of the American Truth Society had been widespread and intense. Notable among them was O'Leary's appearance before President Taft in protest against his signing of the Burnett-Dillingham Bill for the restriction of immigration. O'Leary argued "that this measure was un-American; that the United States was a free country and an asylum for the oppressed; that similar agitation during the previous century had been directed against Irish and German immigration and had failed; that the arguments on which it had been based had been fully answered by history; and that the historians of the future would be compelled to condemn any present attempt on the part of the American people to discriminate against Europeans who sought our country as a better place to live." President Taft vetoed this bill.

Like a bolt from the blue the European war broke upon the world in August, 1914. It was perfectly natural that Americans imbued with the spirit of 1776 should watch the progress of events with solicitude for the United States; and when Great Britain began to exercise her sovereignty of the seas with a view solely to her own interests and a disregard of the rights of neutral nations, it was also natural and perfectly comprehensible that Americans of Irish blood should be quick to protest. At the very outset the American press took the British side. American public opinion by virtue of England's supreme control of the cables was placed in the power of the British propagandists. No race is more instinctively distrustful of the "sanctity" of England's professed aims, or the "morality" of her methods than the Irish. Their distrust is the inevitable result of seven hundred and fifty years of hateful contact with British tyranny, British misrule, and British hypocrisy. No one had a better grasp of the sinister and corrupt propaganda —England's most potent weapon—than the men in whose veins flow Irish blood, warming the quick concepts of a keen Celtic intellect. There is no cause for surprise then when in January 1915, we find Jeremiah A. O'Leary delivering a lecture at Carnegie Hall on the "Unneutrality of the Press." In preparation for this lecture he visited the great public library of New York, where newspapers are kept on file, photographed the headlines for the previous five months and then made skillful comparison between these captions and the facts as later conceded by the same papers, which first had distorted the news.

For instance, while Liege was featured as still holding out, the Germans ten days before had passed through the captured Namur; and when the British were reported to be driving back "The Huns" they were actually retreating precipitately before them. O'Leary's interest in these falsehoods arose from his concern for the American people. He sought to rescue their minds from the avalanche of mendacity. He contended that the dissemination of falsehood by the press was a menace to the purity of public opinion,—a poisoning of the wells, a destruction of the American mind. For this he was crucified by the newspapers. Undeterred, he developed the Society's influence and soon made of it a powerful machine to fight the British propaganda. Soon he developed a large and powerful following. Within two years more than two hundred mass meetings had been held and about seventy-five thousand dollars had been collected. Branches were organized all over the country and a wide distribution was obtained for his writings and for the pamphlets of the Society. When the famous Anglo-French loan was announced he organized a Depositors' Committee of one hundred and urged Americans with bank deposits to line up against the loan. Slips were issued for depositors to sign and list their bank accounts, and in seventy days his committee represented $75,000,000 in bank deposits. Bank officials were interviewed in the interest of neutrality and the safety of their depositors. When J. P. Morgan announced the result of the Anglo-French Loan Campaign,—an enterprise accelerated at a cost of $3,000,000, engaged in by 800 of the best bond salesmen in the country, and advertised in 35,000 newspapers, reaching from coast to coast, it was found that the loan was a failure. The public had bought only $80,000,000 of the bonds, the munition interests had taken $240,000,000 and $180,000,000 were turned back unsold to the underwriters. This was the greatest success of O'Leary, and at the same time probably the most severe blow ever struck at England's American interests by an Irish-American. It was also his greatest triumph in organization, and showed him as an organizer the equal, in fact the superior, of the men who had attempted to float the loan.

The foundation of his victory lay in the fact that Morgan could not successfully fight the depositors in the banks of the country, regardless of the strength of his influence with the officials of these very banks. While the anti-loan campaign was on O'Leary swung his public meetings in the Harlem and Bronx against Ellsworth J. Healy, a nephew-in-law of Charles F. Murphy, because Healy, who was the Democratic candidate for Congress in the Twenty-third New York District, would not pledge himself if elected, to oppose foreign loans. Healy was defeated by 1,000 votes although his district was normally Democratic by 7,500 majority. O'Leary's speeches in this campaign were wonderfully effective. He discussed the loan from the standpoint of finance, honest neutrality and undiluted Americanism. He denounced the Democratic administration for giving its tacit sanction to it, and declared that it would prove the harbinger of war. His audiences convinced of his sincerity were glad to follow his lead and the overturn of a Democratic majority was the result.

O'Leary now was feared and hated by both financiers and politicians. In an open, public fight he had defeated both. He had shown that he knew how to plan and to operate his plan through to success. The financiers' pliant tool, the press, now assailed him with even greater ferocity. He was now stigmatized as "pro-German," "anti-British" and "the Irish Agitator."

At this juncture, O'Leary appeared with a new weapon. The attacks by the press impelled him to find a way to meet them on their own ground and in March, 1916, "Bull," a satirical monthly, appeared on the news-stands. Its first number carried as a frontal design a powerful caricature of the well-known cover of London "Punch." In this cartoon "Punch" was replaced by "John Bull," sinister of countenance and with a knowing wink, while Toby having yielded space to the British lion, was seated in a chair. Between the two was placed the head of "Uncle Sam," a reproduction from an actual drawing in "Punch." John Bull's right hand held a brush, and beside him was a tub of mud, indicative of the artist's idea of England's propaganda toward America. The cover was both humorous and convincing. There were other details of a minor nature, one of which showed John Bull riding a horse kicking a poor creature labelled "the rest of the world" in a very tender spot.

The purpose of Bull was self-evident. O'Leary intended to counteract British influence in America with that very effective weapon—satire. He had taken a leaf from England's own book and proposed to use it against her. The newspapers treated his effort with silence and well they did. Launching a new publication is an expensive venture. The press calculated silence would kill it, but O'Leary persevered. When receipts were inadequate he plunged into his own resources. He would go into Court, win a case and divide the fee between "Bull" and his own family. Slowly but steadily "Bull" increased in prestige and in circulation. From three thousand copies, its first issue, it grew until September, 1917, the month it was discontinued, it had attained a press run of 48,000 copies. It was a magazine which did not stop in the hands of its purchaser or be deposited in his waste-basket. Many a copy passed through scores of hands before its usefulness and readability came to an end. The success of Bull was an index of O'Leary's versatility. He was as successful with the pen or in the publication office as editor as he was upon the platform.

When in April, 1917, the United States entered the war, "Bull" continued to be published. Its policies were purely American; Washington's Farewell Address, Jefferson's political philosophy and the traditions of the Republic were its guiding stars. Its cartoons were both timely and clever. Its comments upon newspaper utterances were always crisp and to the point and frequently brilliant. It produced much original poetry—some good, some not so good,—but all of it with a sterling American moral and much of it pointed and scintillating. When the prosecution at the trial showed "Bull" to the jury, the jurors laughed and as the prosecutor read from it some jurors would place the magazine before their faces while their shoulders shook with laughter. When the United States declared war on Germany, O'Leary suspended the activities of the American Truth Society. No more mass meetings were held. Nothing remained in the field except "Bull," the stock of which was controlled by the Society. The actual press-run of the mazagine at the war's beginning was 15,000 copies. When the United States entered the war O'Leary came out in the open and began to write a special article each month on the war, above his own signature. Meantime his health was failing. Assiduous devotion to his many enterprises had made him a nervous wreck. He had thrown himself into the 1916 campaign because he was convinced that the election of Mr. Wilson meant war. He said this in many public addresses. As a result of his speeches two Democratic Congressmen were defeated in New York City, while in and around New York the majorities of at least seven others were materially reduced.

IV

THE NATIONAL CAMPAIGN OF 1916.

It is extremely doubtful if any campaign in the history of the United States has ever been waged with more momentous consequences than the contest between Woodrow Wilson and Charles E. Hughes for the Presidency. In 1916 Wilson won by a very narrow margin. One State like California would have changed the result. The vote in that State was so close that it was necessary to wait several days before the result could be positively determined. In this campaign, O'Leary took a decidedly active part. He was convinced that the election of Woodrow Wilson meant war with Germany. In a speech at Indianapolis,* he said:

"Please let me caution you folks of the West who love peace, not to be misled by the Democratic slogan, 'He kept us out of war.' The country, dear people, is on the brink of war and it has been on the brink of war ever since the Lusitania was sunk. It now lies in the hands of foreign powers to say whether this, our country, shall remain at peace. It lies within your power by your votes to say whether war shall come or whether we shall remain at peace. Make no mistake about it, that is the real issue of this campaign, and to avoid war I have leaped the traces of my party and espoused the candidacy of Mr. Hughes."

This was a clear comprehension by him of the future. The future then is the past now. O'Leary knew what Mr. Wilson's election meant. He was convinced that the campaign cry of the Democratic party of peace was a fraudulent one, and he said so. He knew it was a catch slogan for the Western vote—the vote for peace. The President, addressing a delegation of college men on October 7, said:

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* October 25.

"Therefore, we are warranted in believing that if the Republican party should succeed, one large branch of it would insist upon what its leader has insisted upon, a complete reversal of policy, and in view of the support that the candidate I have referred to in New York received, that reversal of policy can only be a reversal from peace to war."

This was clearly a reference to the support given to Mr. Hughes by ex-President Roosevelt, an out-and-out advocate for war with Germany. Mr. Wilson was very subtle in his utterances. His hints had a powerful effect upon the multitude. He understood the opinion and temper of the great West and knew better than many around him that the West favored peace. Politically, the West was Republican. The Republicans calculated that the West was safe and turned a deaf ear to those who advised that a brake should be placed upon Mr. Roosevelt's bellicose utterances. It was the universal impression that Mr. Hughes would be controlled if elected by Theodore Roosevelt, a combination that, in the opinion of the advocates of peace, meant war. No man in America understood the menace of Theodore Roosevelt better in this connection than Jeremiah O'Leary. It was in a heroic effort to make Charles E. Hughes see this very danger that O'Leary became one of the national figures during the campaign.

On September 7th, he attended a conference of German and Irish Americans at Detroit. His purpose in going there was to prevent that conference from endorsing Charles E. Hughes for President. It included practically all the leaders of the German and Irish race in America. These men were so bitter over Mr. Wilson's policies that they were ready to support his opponent without knowing his views or proposed plans. O'Leary's idea was that Mr. Hughes should be interviewed and that Mr. Wilson's campaign manager, Vance McCormick, should also be interrogated and that an effort should be made to ascertain the attitude of both parties on the question of enforcing American rights against England as the only means of avoiding a war which he believed inevitable unless England was brought to terms. He based his convictions upon the continual threat by Germany to renew the submarine warfare in the event that British aggressions were not stopped, and upon a letter written* by Thomas Jefferson to Thomas Pinckney, then minister to Great Britain, in which Jefferson said:

"The loss of our produce destined for foreign ports, or that loss which would result from an arbitrary restraint of our markets is a tax too serious for us to acquiesce in. It is not enough for a nation to say, 'We and our friends will buy your produce.' We have a right to answer that it suits us better to sell to their enemies as well as their friends. If we permitted corn to be sent to Great Britain and her friends we are equally bound to permit it to France. To restrain it would be a partiality which might lead to war with France; and between restraining it ourselves, and permitting her enemies to restrain it unrightfully is no difference. She would consider this as a mere pretext of which she would not be the dupe, and on what honorable ground could we otherwise explain it? Were we to withhold from her supplies of provisions, we should in like manner be bound to withhold it from her enemies also. This is a dilemma which Great Britain has no right to force upon us. She may indeed feel the desire of starving an enemy nation, but she can have no right of doing it at our loss, nor making us the instruments of it."

Accordingly, after a long and earnest discussion, he prevailed upon the conference to appoint a committee with authority to interview both Mr. Hughes and Mr. McCormick and to present a document which O'Leary himself had written. Carl E. Schmidt, a Republican and wealthy leather manufacturer of Detroit; Frank Seiberlich, of Boston;† Will R. MacDonald, a newspaper editor, of Chicago, and O'Leary himself were designated to wait upon both Mr. Hughes and Mr. McCormick, and to present the following demand:

"We, representing a large percentage of the voters of the United States who believe in American independence and sovereignty, in conference assembled at Detroit, Mich., Sept. 7, 1916, have been attracted by the telegram of congratulation which was sent by the Hon. Charles E. Hughes, Republican candidate for President of the United States, to Theodore Roosevelt, upon the deliverance by him of a public speech at the city of Lewiston, Me., which carried with it by expression and implication, an indorsement by Mr. Hughes of Mr. Roosevelt's pro-British and anti-American public utterances, which position has heretofore been condemned by us in conference and convention as inconsistent with American ideals and American history.

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* September 7th, 1793.

† A member of the Massachusetts Legislature.

"Under these circumstances we desire to call the attention of Mr. Hughes to the fact that Mr. Roosevelt, actuated by race prejudice and a desire to serve British interests, designedly attacked a large part of the American people, while he did not mention any of the flagrant, arrogant and continual transgressions upon American rights by Great Britain upon the high seas; any interference with and destruction of American trade and commerce with belligerent and neutral nations; any violations of the sanctity of United States mails; any boycotting and blacklisting of American business men and business interests; constituting dictation and control of American domestic and foreign commerce; the denial of the American sovereign right to purchase and operate ships of belligerent powers needed to build up an American merchant marine; the boarding of American ships on the high seas and the removal therefrom of passengers contrary to precedent established by Great Britain's demand on our own nation in the Mason-Slidell case during our own Civil War; the capturing and retention of American ships such as the Hocking and Genesee; the brutal treatment of American citizens upon neutral ships, taken unlawfully into British ports; the imprisonment and indignities accorded American citizens in British territory; the unwarranted and inhuman interference by Great Britain with American charity destined for the people of the Central Powers and their allies, as well as the Irish people, extending even to charities of the Red Cross, an organization protected by international agreement and recognized by the highest instincts of civilization; and other offenses too numerous to mention, all of which are blows struck by Great Britain and her allies at the national honor and vital interests of the United States, and the dignity and sacred sovereignty of American citizenship.

"This indorsement by Mr. Hughes of Mr. Roosevelt's un-American discrimination against American rights and American sovereignty might very well have been ignored if it had not been for the fact that Mr. Hughes, in all his public utterances since his nomination, has, like Mr. Roosevelt, overlooked these great American questions by failing to discuss them.

"We believe that the aggressions of Great Britain and her allies are a political issue in the minds of the great masses of the American people, and that such an issue cannot be smothered, evaded or destroyed successfully by any candidate for the presidency of the United States, and that such continued aggressions by Great Britain, continually ignored by American statesmen because of their pro-British tendencies in political cowardice, must inevitably lead to war as they did in 1776 and 1812.

"We believe that American citizenship and sovereignty should be respected by every foreign power and where American personal and property rights have been destroyed, it becomes the duty of the nation, in defense of its national honor and vital interests to take every step that may be necessary to protect them.

"We, therefore, designate Carl E. Schmidt, Will R. MacDonald, Jeremiah O'Leary and Frank Seiberlich as our representatives to place before Mr. Hughes this document and we further respectfully request and empower them to secure from Mr. Hughes a definite statement for the benefit of a broad and liberal Americanism that has been offended by the British propaganda, creating as it does racial antagonism in our country, with resultant destruction and surrender of American rights, whether or not he will administer the presidency of the United States in accord with the spirit of the fathers and the whole American people, instead of at the behest of present day Tories, materialists and war partisans who proclaim the false doctrine, that American patriotism is British subserviency, and the spirit of "76' is a treasonable hyphenism.

"To this document we, the undersigned representing various organizations, individuals, constituents and interests throughout the United States, affix our names as an indication of the approval of those we represent."

When the committee arrived in New York, Mr. McCormick was in Indiana, and great difficulty was encountered in securing an audience with Mr. Hughes. Mr. William R. Willcox, chairman of the Republican National Committee, was unwilling to permit any German-Americans to interview Mr. Hughes upon such a crucial matter. He was perfectly willing that O'Leary and MacDonald should be present, but objected to the rest. When this was made known to O'Leary, he consulted with MacDonald, and gave the Republican National Committee head one-half hour to consent to accept the German-Americans. He threatened to let the country know that "the Republican National Committe had refused to permit American born citizens of German extraction to see the man who was seeking their votes." The result was that Mr. Willcox capitulated and an audience was arranged for the following Sunday evening at the Astor Hotel, New York.

The meeting with Mr. Hughes was held. It lasted at least two hours and resulted in the committee being satisfied that Mr. Hughes could not be influenced by Mr. Roosevelt and that if elected his policies would be vigorously American against England as well as Germany.

Another conference was called at Chicago, on September 30th. O'Leary and his committee reported to it and as a result a resolution was adopted supporting Charles E. Hughes for the presidency and appealing to all citizens to vote for his election. The proceedings of both these conferences had not been made public. On October 23, 1916, the newspapers of the country published great scare headlines charging Mr. Hughes with a pro-German intrigue—reciting the conferences referred to, the written demand upon Mr. Hughes, and the minutes of meetings held as well as the appeals sent by the conferees to various States advocating Mr. Hughes's election. The effect of this publicity was to aid Mr. Hughes because it advertised broadly and more effectively than they, the fact that the German and Irish American leaders of the nation favored Mr. Hughes's election. It also made O'Leary an international figure because the newspapers of the world carried the story, and projected into the campaign of 1916 an issue which the candidates and politicians aimed to eliminate—the enforcement of American rights against England.

On October 10th, Mr. Hughes made a very strong speech at Philadelphia, which was construed as an indication that he would, if elected, bring England to terms. He said: "We do not propose to tolerate any improper interference with American property, with American mails or with legitimate commercial intercourse. No American who is exercising only American rights shall be put on any blacklist by any foreign nation."

Later at Indianapolis, and just before the campaign closed, Hughes declared that if Germany sank any more British ships with Americans aboard, he would go to war. The effect of this speech was to destroy all confidence in the sincerity of his previous utterance that he would bring England to terms. The result was his defeat.

V

THE O'LEARY-WILSON TELEGRAMS.

Mr. O'Leary sent his famous telegrams to Mr. Wilson during this campaign. He did this upon the overwhelming defeat of Mr. Wilson's friend and the Democratic choice, Mr. Westcott, by Senator James Martine. Mr. Martine had been turned down by the Democratic chieftains at Mr. Wilson's request because he had refused to vote at the President's bidding for the repeal of the Panama Canal Tolls Repeal Measure.

On September 29th, 1916, O'Leary sent the following telegram to the President:

"WoodrowWilson, President United States, Elberon, N. J.:

"Again we greet you with a popular disapproval of your pro-British policies. Last year from the 23rd New York Congressional District, and now from your own State and from the voters of your own party. Senator Martine won because the voters of New Jersey do not want any truckling to the British Empire nor do they approve of your dictatorship over Congress. Your foreign policies, your failure to secure compliance with all American rights, your leniency with the British Empire, your approval of war loans, and the ammunition traffic, are issues in this campaign.

"Do you know that William S. Bennet, a Republican Congressman, ran in the Democratic primaries in the Twenty-third New York Congressional District and polled 36 per cent. of the total Democratic vote against his regular Democratic opponent? Anglomaniacs and British interests may control newspapers, but they don't control votes. The people may be readers, but they are not followers of the newspapers. When, sir, will you respond to these evidences of popular disapproval of your policies by action? The Martine election and Bennet vote prove you have lost support among Democrats. Every vote for Martine was a vote against you as was every Democratic vote that went for Mr. Bennet in the Democratic primaries in the Twenty-third Congressional District."

(Signed) "JEREMIAH A. O'LEARY."

The President sent the following reply:

"Jeremiah A. O'Leary, 210 Fifth Ave., New York City:

"Your telegram received. I would feel deeply mortified to have you or anybody like you vote for me. Since you have access to many disloyal Americans and I have not, I will ask you to convery this message to them."

(Signed) "WOODROW WILSON."

To the President O'Leary replied as follows:

"Chicago, Oct. 1, 1916.

"Woodrow Wilson,
"Shadow Lawn, Elberon, N. J.,
"Sir:—

"In your telegram of yesterday you have evaded every question that I raised. In acting thus, you have followed your usual method of carrying on a controversy with an opponent. Now you seek, by an indirect charge of disloyalty—a charge which you dared not directly make—to escape the questions which you cannot answer.

"I challenge comparison, both by heredity and environment, of my life and antecedents with yours. While three of my uncles were dying in defence of the Union, those of your kin who dared to fight were struggling to destroy it.

"In my brief contact with public affairs I have sought to follow the advice and example of Washington, of Jefferson, of Lincoln, and of the other great Presidents, to the end that all Americans might stand upon one plane of equality and fraternity.

"It has remained for you to break new ground as a President and to seek to divide your countrymen into racial and religious groups. The word 'hyphenate' was never heard in American public life until you coined it to insult your hosts, real Americans of Irish blood, at the dedication of the Commodore Barry monument in Washington.

"Now you speak of disloyalty! What do you mean—disloyalty to America or disloyalty to England? If the first, I throw the charge back in your teeth; if the second, I call your attention to the historical fact of the Revolution, which, the fathers thought, had delivered us for all time from England.

"I stand, as men of my blood have always stood, in favor of America as against every foreign power. Do you? More particularly, I stand against the present aggressions of that power from which we wrung our freedom in the Revolution and which has ever since, by force and guile, attempted to take it from us.

"I charge again that your foreign policies, your Mexican entanglements, your action on the Panama Canal, your failure to sustain American rights, your truckling to England, your approval of war loans, and of the munitions traffic, are all subversive of the interests of America.

"You have made your record and no cleverness in the use of words can now change your acts.

"You may take advantage of your exalted position, to which you were chosen by only a minority of the American people, to abuse great masses of your countrymen, who adhere to the principles upon which this great country has always rested, but I warn you that you are being weighed in the balance and that adherence to your policies will carry you down to deserved defeat on Election Day."

(Signed) "JEREMIAH A. O'LEARY."

O'Leary's political work in this campaign was remarkably effective. He was accused of entering into a cabal with Charles Evans Hughes, the Republican candidate for President, when, as a matter of fact, he was simply trying to ascertain if Mr. Hughes, in the event of election, would compel England to respect American rights. A band of young Americans had acted in similar manner before the war of 1812, when England in those days was also transgressing against American rights. So O'Leary had his precedent. Losing every debatable state, Mr. Wilson was re-elected nevertheless by the votes of Republican States on the Pacific Coast, where the feminine influence was thrown to his support under the supposition that he had "kept us out of war" and would continue to do so. O'Leary informed Hughes in a conference the latter held with a committee organized by the former, that Mr. Roosevelt's bellicose speeches were hurting his chances for election. Another member of the committee, Carl E. Schmidt, a leading citizen of Detroit, very tersely remarked: "Mr. Hughes, six weeks ago you were elected by a large majority—today you are a beaten man." Mr. Hughes almost collapsed at this blunt statement, but did not believe it. He was defeated. O'Leary has always claimed that if Hughes had come out boldly for a sound American policy and had discussed Americanism as it was bequeathed to us by the Fathers of the Nation, and pointed out emphatically that an enforcement of American rights against England would avert war, he would have been elected by a tremendous majority. When O'Leary visited San Francisco in January, 1918, he was informed by a prominent pastor whose parish with 7,000 votes had gone solidly for Wilson that every one of those votes would have been cast for Hughes had he announced a clear and unequivocal American policy regarding England's violations of our rights.

In July, 1917, O'Leary wrote a letter to the chairman of the Executive Committee of the Friends of Irish Freedom, demanding that a convention of the Irish Race be called. Excerpts of this letter contain the gist of his war views. He insisted that the Irish in America should follow Washington as did the Irish in the American Revolution. A meeting was held at the Murray Hill Hotel on August 25, 1917, and, after an earnest discussion, a convention was agreed upon, to be held about the middle of November, 1917. About this period, the municipal campaign being in its initial stages, there was a demand from numerous quarters, some of which were anti-conscriptionist, that O'Leary should present himself as an independent candidate for Mayor of Greater New York. He declined to make the canvass for several reasons, one that being a believer in the principle of universal service he could not accept a nomination which was being tendered him on an anti-conscription platform; and another, that his entry into the field would create such a division of votes as might conceivably result in the re-election of John Purroy Mitchel—one of his bitterest political foes. Things now began to happen in earnest. The Democratic administration at Washington had evidently decided to crush O'Leary. On August 16, 1917, the Administration struck its first blow barring the September number of "Bull" from the mails. O'Leary published one more number, the October issue, and in it he scored the Washington officials fearlessly. The aptness of his historical references and of his quotations from utterances of sterling American statesmen of other days constituted a merciless indictment of the new and un-American policy of the suppression of free speech and free press. By means of the Administration's act the circulation of "Bull" doubled, upon which O'Leary said, "If I had the facilities, I could sell a million copies this month." On October 8th he voluntarily suspended the publication of "Bull." He declined to permit Postmaster-General Burleson to supplant him as editor of "Bull" and to continue to publish it would have been impossible, because of that gentleman's arbitrary use of his broad powers.

Just about the time for the meeting of the Irish Race Convention the Government forces struck their next blow when they began the work which ended in the indictment on two counts of O'Leary, Adolph Stern, his business manager, Luther S. Bedford, his editor and the Bull Publishing Company, the corporation which published "Bull." All were charged with conspiring to violate the Espionage Act, the total penalties provided being forty years. Upon arraignment, all defendants pleaded "not guilty" and O'Leary was released on twenty-five hundred dollars bail furnished by his wife. The Irish Race Convention was not held upon which O'Leary subsequently remarked, "It was rather strange that just when the Irish Race Convention was called off, I should have been hit with a blackjack." The calling off of the Convention was unauthorized. No meeting was held, at which such a decision was reached. The Convention date was simply ignored by the Irish leaders. After his indictment, O'Leary then went into court and tried several civil cases with successful issue, though his physical strength by this time had failed him. He did this to earn some much needed money for his family and to meet the expenses of his trial.

VI

CONCEPTION OF AMERICANISM

This brief review of the ante-European war activities of Jeremiah A. O'Leary proves that he never was what the press insidiously dubbed him, that is to say, "pro-German." A man who has engaged in a definite struggle against the British propaganda in America since 1905, cannot truly be said to be "pro-German" because he continued the struggle after the European war broke out in August, 1914. I cannot set forth the writings and speeches of this man in this sketch in order to prove that from the beginning until his indictment in November, 1917, his course has been steadily consistent. I dare say that in the near future his speeches and writings will be published in a separate volume for the enlightenment of the American people. The fact that the American Truth Society was organized in January, 1912, proves that it was not in any sense an organization inspired by war. I shall, however, quote in full a speech he delivered at the time the American Truth Society was formed to prove that the mind of this man was saturated with a pure and devout love for his country. No finer utterance can be found anywhere in recent years, no truer conception of what Americanism really is than this. Speaking to men whom he inspired with the necessity of combating the British propaganda under the guise of a peace movement, he said:

"The subject of the "Peace" Movement is one to which I have given considerable study, not because I do not believe in peace on earth but rather that I do, but unlike some of our good citizens and representatives of the people, who apparently have not given the subject any thought and yet believe, I have examined it and found it is not a Peace Movement at all but something radically different labelled "Peace," like those imported goods we once purchased labeled "Made in Germany," which our Government found were not made in Germany at all.

"In the United States the word "freedom" is our slogan. Imperialists revel in their doctrine over here, while in the monarchies of Europe our free principles are carefully suppressed. Over there the nobility protects monarchical principles from which it derives its hereditary privileges. Over here, however, we have no dependent nobility to guard the liberties of the people. It is true we have a constitution, but the constitution is an inanimate document. It is like our starry flag—without hands to lift it up, it must drag in the dust: without soldiers to defend it, it must be trod under foot.

"In the same way, unless sturdy Americans guard our constitution, and the principles of our declaration of independence, jealously and constantly, they must be trampled underfoot by indomitable imperialists who are propagating year in and year out monarchical principles in this democratic country.

"Such is the object of the so-called Peace Movement. The most sensational feature of it is, that England was its place of birth. England, the proud mistress of the seas, the instigator of innumerable wars, the most cruel engine of human oppression the world has ever known; the owner by force and conquest of more than one-fifth of the earth. England, the war lord and slave driver of man, satiated with ill-gotten goods, would now like to rest and digest them. Repose is the first impulse of surfeited wealth. Disturbed in her repose by troubled dreams, her guilty conscience hears phantom airships whirring aloft chanting her swan song as it rang in the ears of Persia, Greece, Rome and Spain, and with characteristic English cunning she has sent up from her isolated home in the seas a dove of peace to the American people with this message:

" 'As surely,' it says, 'as the sun in the heavens once shone upon Britain and America united, so surely is it one morning to rise, shine upon and greet again the re-united State, the British-American union.'

"The dove which bore this message to us has two dove-cotes, one in Skibo and the other upon Fifth avenue, in New York.

Among Americans he is known as Mr. Andrew Carnegie, and amongst Britons as the Laird of Skibo.

" 'The new nation,' he said, 'would be prompt to repel any assault upon the soil or the rights of any of its parts.' The recent Arbitration Treaties, the creatures of his ambition, you will remember, provided that the parties to a controversy should wait a year to avoid the heat of a people's wrath. The dove of peace, however, has told us the naked truth of their peaceful aims.'

"Addressing his compatriots in Great Britain he said of the new nation:

" 'Consider its defensive power. A re-union of the Anglo-Americans would be unassailable upon land or sea by any power or combination of powers that it is possible to create. The new nation would dominate the world."

"Cecil Rhodes, prototype of Carnegie, speaking on this same question a few years before his death made this most remarkable declaration:

" 'I contend we are the first race in the world, and that the more of the world we inhabit the better it is for the human race. I contend that every acre added to our territory means the birth of more of the English race. Added to this, the absorption of the greater portion of the world under our rule simply means the end of all wars.' He outlined British imperialistic ambitions as:

" 'The extension of British rule throughout the world—the perfecting of a system of emigration from the United Kingdom, and especially," he said, "the ultimate recovery of the United States of America as an integral part of the British Empire, the consolidation of the whole empire, and finally the foundation of so great a power as to hereafter render wars impossible."

"The words I have just quoted are the crux of the Peace Movement. Time does not permit me to narrate facts which indicate the presence of these pernicious principles in our land. The establishment of the Rhodes Scholarships, the Arbitration Treaties, the proposed 1914 One Hundred Years of Peace Celebration with Great Britain; the control of our departments of education and the circulation by the British Book Trust of doctored books, which go into the hands of our children. The establishment of Peace Societies, like army posts, throughout the United States as a means of manufacturing American public opinion on these questions under the pretence of peace; the establishment of a huge peace fund approximating now $12,000,000, and a professorship endowment fund approximating now eighteen millions of dollars as a means of perpetuating this peace agitation whether we like it or not, whether it is good for us or not and of controlling our system of university education as a means of shaping the minds of our future statesmen; the erection of a cordon of Carnegie libraries around our land as distributing bureaus for Mr. Carnegie's ideas, the offering of a pension of $25,000 yearly to our future ex-Presidents as a means of controlling their official actions upon these questions while in executive office, are facts which are food for serious thought to statesmen who would save the nation from the horrible consequences of such imperialistic paternalism.

"The provision in the recent Arbitration Treaties creating a Joint High Commission vested with independent judicial powers was the first overt step by Great Britain to secure the consent, not of our sovereign people but of unauthorized representatives to this union between the two countries.

"It is plain that if it were constitutional to establish an international judicial tribunal, with independent powers to hear and determine international questions, it would also be constitutional to create an independent legislative tribunal with legislative powers to enforce the legislative enactments and judicial decrees, and thus to create, in fact and in effect, the British-American Union with a perfect system of government, upon all fours with our present Government, with powers, executive, legislative and judicial, a situation never comprehended by the framers of our Constitution, and utterly destructive to our independence as a nation.

"Thus the danger was right at our doors. If we had opened them disaster would have been upon us in less than twelve months, because England would now have a Treaty which would transfer at once to a foreign tribunal our jurisdiction over our own territory, the Panama Canal and its questions of tolls and fortifications, and thus the first bloodless victory of peace would be won by the monarchy over the Republic, at a terrible loss of American enterprise and a still more terrible sacrifice of American sovereignty.

"An enemy with its guns trained upon our country is a tonic to its patriotism but a foraging lion in the garb of an angel of peace with an olive branch in one paw and chloroform in the other is an object of circumspection to every American citizen who believes that "all men are created free and equal," and as his ancestors believed in 1776, 1812 and 1865, that such principles are still, as then, worth fighting for and dying for.

"If United British Empire loyalists like Rhodes and Carnegie landed upon our shores with infantry and artillery we would rally to our standards and drive them off as did Jackson at New Orleans, but they hoist the white flag of truce on peace, the flag of protection which ensures their safety, the flag upon which men of honor have never fired a shot, and with deluded ministers of the gospel dispensing their blessings and Tory newspapers blazing their way, they march upon our institutions with honeyed words and clinking gold.

"The recovery of the United States of America as an integral part of the British Empire" and "absorption of the greater portion of the world under English rule as the end of all wars" is not a programme of peace, but a declaration of war upon Republican institutions throughout the world. How peculiarly British it is to hypocritically style such a policy "universal peace."

"What is Peace? Literally it is a state of stillness, but the peace which is the millennium requires something more than mere stillness. The sword may transform the living body into lifeless clay, but the stillness of death is not peace. The bonds of slavery may bind the subject hand and foot; the gibbet may seal his lips forever, but the silence of restraint and slavery is not peace.

"The Boer, whose republic was destroyed by England, may submit to overpowering numbers after a cruel and bloody war, but the Anglo-Saxon law and order which followed his subjection was not peace. Such peace is the peace of the Briton, of the Anglo-Saxon if you will—it is the peace of the obsolete divine right of kings, but not of a democratic people.

"We believe that peace exists only where justice prevails. We recognize peace only when it comprehends a form of government wherein the absolute and natural rights of the people are recognized and guaranteed by the consent and acquiescence of one another; wherein every man, without regard to his race, creed or color, may strive for and attain, without undue restrictions and restraints, the most noble objects within the scope of his mind and the possibilities of his being.

"What has been the effect of these principles upon the conduct of the two nations? While England was destroying the independence of the Boer Republic the United States was setting Cuba free. While Ireland an oppressed nation, governed without its consent for 800 years, was plotting for independence from England in 1845, Texas was tearing itself from Mexico to embrace our beneficent principles by annexation to our States. While England was conniving with Russia in 1911 to efface Persia, a nation, from the map of the world, the United States by one of its great political parties was proclaiming its intention to mankind, if successful in the campaign, to establish a free and independent government in the Philippines. While England was subscribing one billion one hundred millions of dollars for Confederate bonds to finance the Civil War and destroy our democracy, the United States, under the guidance of the great and good man, Abraham Lincoln, was destroying slavery—an imperialistic institution which England established upon the American continent when Sir John Hawkins, an Englishman, brought the first slave ship, the *Jesus Christ,* into an American harbor and sold its human cargo for a rich profit in gold to the planters of the south. While Ireland a rich, beautiful and resourceful country was depopulating in 60 years under Anglo-Saxon government from 8 to 4 millions of people, the United States, a republic under other principles of government after casting off Anglo-Saxon domination, was growing into a mighty nation during the same space of time and increasing from 30 to 90 millions of people.

"Wise men were Washington, Franklin, Jefferson, Adams and the rest. They built our government upon the wisdom of ages. They drew from the nations of the old world the best those nations have produced. We have taken their social outcasts and under beneficent principles moulded them into Presidents like Lincoln, Governors like Clinton and Senators like Webster. We recognize between American citizens principles which are reprobated between European nations. We maintain by a constitution and laws a condition of tranquility that European nations have never obtained by treaties. By substituting equality and justice for social greed and domination we have welded together a heterogeneous population, divided abroad territorially, into a homogeneous whole, thereby producing in one grand nation the same allied strength which only the combined European Powers could possibly produce. Thus we have maintained a state of peace between citizens that has not been maintained between the nations whence they came.

"Let those from the other side, therefore, who come to scoff at our institutions, to preach peace, abide with us a while, study our government, our institutions and conditions and after they have learned the lesson go back to their unhappy countries and try our remedies upon their obsolete, misery-making, war-breeding principles, which have driven thirty millions of their suffering people to our shores.

"Our nation is unique in the history of the world. Its heritage belongs to no race or class—it is the property of every man who claims it. The Declaration of Independence in referring to freemen said "all men" not "some men." The framers of it took that stand not because they were controlled, as they tell us to-day, by the Anglo-Saxon race but rather because that race was suppressed and therefore was unable to control them.

"Whose blood drenched the fields upon which this magnificent temple of liberty has been erected? The German has his Steuben, the Irishman his "Jack" Barry, the Frenchman his Lafayette, the Dutchman his Schuyler, the Pole his Kosciusko, the Anglo-Saxon his Washington, but as Americans we have them all.

"To submerge the word "American" for Anglo-Saxon and adopt the peace principles of Carnegie and Rhodes is to tear up the Declaration of Independence, because the imperialism of the peace movement was the Toryism which the Declaration eradicated and the Revolution suppressed.

"As a nation we are 136 years and still young amongst the nations. We have no blots on our national escutcheon. We have no plunder to return to lawful owners. We have no museums reeking with the spoils of obliterated races and extinct civilizations destroyed by our sword. We carry no scorpions upon our back pecking continually at our vitals. We have no outraged races snapping like dogs at our heels, so that in our age we have sent up before mankind the shrieks of "peace, peace." No, thank God! Our conscience is clear. Our land, isolated by a divine providence by the mighty Atlantic and broad Pacific, rich in resource and ample with opportunity, reposes peacefully in its bosom of nature under the blue vault of the stars, and on the faces of our peaceful citizens are the impresses of our immortal principles, equality and justice, the only precepts which will ever give to mankind the millennium so sweet to the human breast, sung by the angels as a message from God over the stable of Bethlehem 2,000 years ago—the message which England has so ruthlessly, cruelly and consistently violated in her treatment of subject peoples for centuries. "Peace on earth: good will to men."

In a remarkable letter addressed to Woodrow Wilson, dated July 15th, 1912, O'Leary asked Mr. Wilson, then a candidate for the presidency, several questions. Although Mr. Wilson's secretary, Joseph P. Tumulty, promised a reply, the letter has never been answered. Speaking for his Society, Mr. O'Leary wrote:

"George Washington, the father of our country, seemed to possess providential foresight when he said for the benefit of American statesmen:

"The great rule for us in regard to foreign nations is in extending our commercial relations to have with them as little political connection as possible. Passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation facilitating the illusion of an imaginary common interest where no real interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducements or justification. It leads also to concession to the favorite nation of privileges denied to others, which is apt to doubly injure the nation making the concession, by unnecessarily parting with what ought to be retained and by exciting jealousy, ill-will, and a disposition to retaliate in the parties from whom equal privileges are withheld, and it gives ambitious, corrupted and deluded citizens who devote themselves to the favorite nation facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity."

"Washington also referred to the class of citizens, whom some of our newspapers referred to as rowdies, as,—"Real patriots who may resist the intrigues of the favorite nation" that "are liable to become suspected and odious."

"The gentlemen who promoted the treaties, Washington described as—"Tools and dupes who usurp the applause and confidence of the people to surrender their interest."

"Lincoln recognized the principles these men were contending for when he said in the course of his famous debate with Stephen A. Douglass, in July, 1858, as follows:

"We have, besides these men * * * amongst us— * * * men who have come from Europe—German, Irish, French, and Scandinavian—men that have come from Europe themselves, or whose ancestors have come hither and settled here, finding themselves our equal in all things. * * * When they look through that old Declaration of Independence, they find that those old men say that 'we hold these truths to be self-evident, that all men are created equal,' and then they feel that that moral sentiment taught in that day evidences their relation to those men, and that is the father of all moral principles in them, and that they have a right to claim it as though they were blood of the blood, and flesh of the flesh of the men who wrote that Declaration, and so they are.

"That is the electric cord in that Declaration that links the hearts of patriotic and liberty-loving men together, that will link those patriotic hearts as long as the love of freedom exists in the minds of men throughout the world."

"The Democratic platform overlooked these serious considerations, unless it intended to abide by them in words wherein it pledged itself to the promotion of American interests and the maintenance of American free institutions and traditions. The Republican platform has endorsed Mr. Taft's policies. It is a well known fact that Prof. Nicholas Murray Butler, of Columbia University, was placed upon the Committee of Resolutions at Chicago for the purpose of securing the insertion of that particular plank. American citizens in the days to come must feel grateful for that act, because it gives them this splendid opportunity of repudiating the man who has misrepresented them.

"We therefore, respectfully request that you enlighten the American people as to where you stand upon these questions, pursuant to the foregoing considerations, which we have gone to great trouble to set forth plainly for your benefit. We, as American citizens, believe we have the right to ask you and the right to have you answer the following questions:

1. Do you, as a representative of the American people, believe in carrying out the policy of no entangling alliances with foreign nations as set forth in Washington's Farewell Address?

2. As a lover of universal peace, which permits no invidious discrimination, which we believe you to be, do you, as a representative of the American people, believe in that kind of peace, which tends to the concentration of so great a power in

a foreign tribunal, which would make wars impossible, along the lines advocated by Cecil Rhodes and Andrew Carnegie?

3. Will you pledge yourself, as a representative of the American people to the promotion of American interests, institutions and ideals, consistent with the interests of all Americans?

"In the event of your failure to answer these questions, which are asked in good faith, we shall assume that you are not in sympathy with the questions we present and that you are disinclined to commit yourself upon them. The members of this society have no political axes to grind. They are anxious to support a good American as their candidate, and nothing would please them more than the pleasure of supporting you if you are fearless in committing yourself upon these principles which after all, are the principles of Washington and of Lincoln.

"We believe that the next President of the United States will have opportunities such as never before presented themselves to American presidents, save Washington and Lincoln. We know that by pursuing policies which shall tend to the development of American ideals, distinctively and emphatically, that the government of this country as it is presently constituted, will be strengthened and the confidence of the people in it be permanently assured."

When O'Leary said in July, 1912, "we believe the next president of the United States shall have opportunities such as never before presented themselves to American presidents, save Washington and Lincoln," he proved he was one man with a vision which pierced the future accurately. It is now 1919 and as Woodrow Wilson is urging the people to accept his "League of Nations" his opponents are relying upon Washington's policies to resist him. A nationwide agitation is now being conducted by thousands of Americans favoring the independence of Ireland. This agitation is predicated upon the ideals announced by President Wilson as sought to be attained by the American Republic in the war. Jeremiah A. O'Leary was the first man of Irish blood to comprehend the true significance of Mr. Wilson's utterances. When on January 22, 1917, President Wilson in a moment of intense public apprehension went before the United States Senate and declared for the freedom of small nations and the right of all people to representative government, Mr. O'Leary, quick to perceive, despite his previous criticisms of Mr. Wilson, immediately telegraphed him as follows:

"New York, January 22, 1917.

"To Woodrow Wilson, President of the United States:
Washington, D. C.

Our country is to be congratulated upon your true presentation of Americanism. Every American devoted to the Declaration of Independence must regard your message to the Senate with pride and approval.

Equality, representative government and pursuit of happiness, the keystone of the republic, you have accurately expressed. While it is true that traditional American policy is opposed to entangling alliances with European nations, it is also true that this opposition is predicated upon the dangers such entanglement with imperialism would bring to democracy. If the world expresses our ideals, the danger no longer exists.

I would consider myself recreant to every activity in which I have been engaged, to every word I have uttered and written on this matter, if in view of all that has been said and done. I did not commend your Twentieth Century promulgation of Americanism to the world.

In speaking of Poland as a concrete case, you have spoken for Ireland, Belgium and other small nations. The document is the greatest American paper since Lincoln's Emancipation Proclamation. It is my earnest wish, and, I know, the wish of every member of our society, that it may reestablish truth and justice in the world, for such a world is a world of peace.

JEREMIAH A. O'LEARY,
President, American Truth Society."

That O'Leary's sympathies were with the American soldier is clear from a letter he addressed the American Red Cross on July 12, 1917. This communication was widely published in the newspapers at the instance of the American Red Cross itself which considered it very important to have it known that there was a vast difference between opposition to certain war policies and the duty every American owed the men who were actually making the sacrifices. This letter played a prominent part in the subsequent trial of O'Leary and serves to cast a flood of light on the true character of the author. It disclosed O'Leary as broad-minded and generous. The letter follows:

"July 12th, 1917.

American Red Cross,
Central Trust Company of N. Y.,
Assistant Treasurer,
50 Wall Street, N. Y.

Gentlemen:—

Through Mrs. E. N. Breitung, of 16 East 76th Street, I recently subscribed $100.00 to your fund. I presume she has turned in my name. I take pleasure in enclosing my check.

While I do not relish the entry of our country into this war, still, I feel that it is the duty of every American citizen to make every effort to alleviate the suffering of the men who are making the sacrifices.

Wishing you every success in your work, I remain,

Yours very truly,
JEREMIAH A. O'LEARY."

Another letter of extreme importance is one addressed to John F. Hylan, then a candidate for Mayor of New York City. It is a real human document and discloses a clear distinction on O'Leary's part between agitation before the war reached the stage of actual bloodshed and the time when American blood had been spilled. His letter also played a very conspicuous part in his trial. It was published in the press of New York at the time and was a potent factor in preventing many thousands of citizens from voting for the

Socialist Candidate for Mayor as a war protest. Jeremiah A. O'Leary was never a Socialist, preferring to struggle on for the ideals of government expressed in the Declaration of Independence. Following is the letter:

"October 31st, 1917.

Hon. John F. Hylan,
30 East 42nd St.,
New York City.

Dear Sir:—

I am absolutely convinced that the publication of your name on the letterhead of the Friends of Peace is a crude forgery. It would be a very simple matter to photograph the head, plate it, and then afterwards print in on the side any name desired. Those who would steal a primary and victimize a hundred election inspectors are capable of anything.

I never saw your name on one of the letterheads before. This is the first time I have ever seen this kind of a letterhead. It is not the kind I have in my possession. I know your name was never submitted to the Convention at Chicago, and it is absolutely the first time I have ever heard your name mentioned as being connected with the Friends of Peace. Rest assured that the organization never did any wrong, except to strive for peace, whilst the newspapers that published this questionable document were in the summer of 1915 striving to blackjack our country into war.

I have not until this moment moved hand or foot in this campaign, but now that priest-baiting, nun-hunting, wire-tapping and primary frauds have been superseded by palpable forgery and gross misrepresentation, candor compels me to address you publicly and without solicitation, in order that truth shall triumph and falsehood fail.

The people of this city know full well that I have never been a Tammany man. In the last two congressional campaigns I fought several Tammany congressional candidates, in vindication of my convictions and those of thousands of my fellow citizens, having been instrumental in defeating four of them. There is not the slightest foundation for using my name or my activities or the horrible libels I have suffered, to create political hysteria in time of war that shall work injury to you or your party. If the Kaiser himself came to New York he could not do more effective work to aid his cause by dividing our people than is now being done by that cheap patriot who wears his uniform in pictures and carries his gun on the billboards.

Now that our boys—our own good, brave, noble boys are in the trenches ready to give all for their country; now that our country is no longer theoretically but actually in the war; now that it calls us not from political platforms of exploiters of patriotism, not from the editorial rooms of foreign controlled newspapers, not from the pocketbooks of hungry war profiteers, —but from the battlefield of honor, wherever that may be; now that the sores of the past are being torn agape for petty political purposes to the detriment of the men in the trenches, —I am convinced that you, bearing the cross "with charity to all and malice towards none" can do much during the next four years to heal the wounds that have been made between our citizens by these wild, roaring mongers.

For the sake of the men in the trenches and on the seas with whom I have never quarrelled and for whom I have the deepest sympathy and highest respect—for the sake of their mothers and sisters here,—their children, their kind and anxious friends—for the sake of concord between our shriven citizens—for the vindication, too, of the right of the people to rule and for the sake of the future as a warning that forgery, deceit, last-minute canards and flamboyant patriotism are no part of American political campaigns,—even at the sacrifice of convictions that had almost forced me to support Morris Hillquit, an honest, strong-hearted man,—I hope that you will be elected Mayor by a great popular majority.

The city needs a man to heal, not to aggravate,—to promote unity, not to create dissension. Mitchel, if reelected, may provoke the people to revolution. He is so hated that he was jeered one night last week by over ten thousand people, and he fears the people so that he fills his meeting places with thugs and strong-armed men. Since you have suffered so much from libel you should be better able to administer our municipal affairs with a thorough understanding of those influences which thrive on hatred and profit by destruction. The issue now is plain ordinary decency, the basis of all true manhood—the essence of real Americanism. The great problem during the crisis to come will be conciliation. Experience has proved that this can be effected more by love than hatred,— more by charity than malice.

Yours respectfully,
(Signed) JEREMIAH A. O'LEARY."

Just before his indictment, O'Leary volunteered for war work. Being a lawyer he decided to offer his aid to the Exemption Boards who, besieged with legal problems on the Draft Law, made a public appeal for lawyers to aid. O'Leary responded as follows:

"November 19, 1917.

Henry W. Taft, Esq.
Chairman War Committee of the Bar
of the City of New York,
40 Wall Street, New York.

Dear Sir:—

I have read your recent statement expressing the need of additional lawyers to aid the Draft Boards.

In view of the widespread misrepresentation in the recent municipal campaign concerning my attitude towards this war, I am anxious to take advantage of this opportunity for patriotic service.

It has always been the proud privilege of the men of my race to prove their devotion to the United States. I sincerely trust that you will accord to me the opportunity to prove to my fellow countrymen that in common with them I have the heart and desire to do my share. Our men are in the trenches now; their blood has Americanized the soil of Europe; they need all the aid that we can give them. It should be the aim of every American citizen to encourage the American soldier in the thought that his sacrifice will bring about the realization of the ideal that he is fighting for. Everything must be subordinated to the necessity of winning this war.

I hereby offer to do any work to which I may be assigned regardless of the time involved.

Yours respectfully,

JEREMIAH A. O'LEARY."

He was indicted before his offer could be acted upon.

VII

"AMERICA FIRST"

O'Leary frequently received letters from various sections of the country based upon vicious newspaper reports protesting against the activities of the American Truth Society. All such communications received his careful attention. When in March 1915, M. D. Aygarn, Superintendent of the State High School at Sauk Center, Minn., chided the Society, O'Leary wrote the following interesting and illuminating reply:

"New York, March 13th, 1915.

Dear Sir:—

I have read your letter of February 10th and in reply I beg to enclose you under separate cover a copy of my speech at Chicago, also some other matters which might be of interest to you, but I want to call your attention particularly to the plan and scope of the American Truth Society, which set forth facts which should be of tremendous interest to a man in your position. If you are a patriotic American, devoted to the principles upon which our Republic is founded, you must deplore such statements as I have indicated in the prospectus of the Society. If you examine my speech at Chicago carefully, you will observe that I maintained a neutral attitude throughout. If you will follow the topic heading of the subject matter, you will observe that I have discussed naught but questions perfectly relevant to the meeting. You will observe that I quoted Washington and Jefferson. You will observe the contrasts I drew between the statements of President Wilson and the statements of Jefferson. I pointed, for purposes of contrast, remarks of Bismarck about America and also the opinion of Jefferson about German emigrants. I then appeal to the American ideal as I understand it and as history presents it.

The unfortunate part of it all is that the press is so pro-English that it deliberately misquotes speakers opposed to their viewpoint. I am simply striving for the best interests of the United States. I was born in this country and my ancestors were here for some time back, and my blood boils when I observe the abject surrender of American rights to the tyranny of England upon the seas. I have drawn my inspirations from Washington and Jefferson, as well as Abraham Lincoln. No American can study the lives and the statements of these three great Americans without feeling as I do about the present attitude of England upon the seas. England has always been the enemy of the United States. You are a proponent of education. You must know this. England is now endeavoring to demoralize the public opinion of the United States. As a proponent of education, you should realize the effect of falsehood and prevarication upon the moral fibre of the people. The object of all education is to develop the child, mentally and morally. Can you succeed in this noble work if news agencies from London flood the United States with an avalanche of lies about a people with whom millions of Americans have lived in these United States in peace and tranquility? I wish, for your own information, you would read the literature I have sent you with care from the American patriotic standpoint. If you do so, I have no doubt that you will agree with me that conditions exist in this country which are not only deplorable, but which require brilliant statesmanship on the part of the leaders of the people to rescue the country from the dangers which surround it.

Of course, there is a certain class of people in this country who believe that sympathy with England constitutes neutrality. There are many things happening in Europe just now and also in Asia, which should concern America. The attack of the Allies on Constantinople in the light of the statement of the Russian Minister to the effect that Russia desires to occupy European Turkey, and the statement of the British Foreign Minister to the effect that England is favorably inclined to Russia's ambition. While I would welcome the expulsion of the "unspeakable Turk" from Europe, still the control of the Dardanelles and Bosphorus by Russia, aided by England, would open up through the Mediterranean from Southern Russia, new trade routes in products which would compete, under more favorable circumstances, with a great many of our products, particularly wheat. The American press has given this no thought. A Russia friendly with England, controlling the Dardanelles would make tremendous inroads upon American trade. This point should concern the people of the West particularly. In China, Japan is enjoying a feast all by itself. As Japan is England's ally, her tremendous influence in China must result in loss of American trade. The "open door" policy in China is being destroyed at present by Japan. These two great facts are matters of vital interest to the United States, yet how sadly silent has been our press upon them, and how sadly deficient and supine has been the attitude of the Administration at Washington. Even assuming that we are disposed to be friendly with Great Britain in the present war, should we surrender our public opinion which England values so highly, while at the same time we are being shorn of everything of value commercial, also patriotic, which we possess.

I am just as opposed to partisanship on behalf of Germany in this country as I am to partisanship on behalf of England. I have stated that it would be to the best interests of the United States, if Germany won the war. I had in mind the freedom of the seas, the rights of trade and other questions which were so well raised by Jefferson in the matters which I have sent you under separate cover.

I thank you for writing to me. It has given me an opportunity of presenting the matter to you in a more accurate light. Of course, if you are so partisan as to be reasonless, the facts which I present must only serve to make you more so, but if you are seeking truth, if you are patriotically American, devoted to the best interests of the United States, you will appreciate that the American people are suffering considerably from the same influences which tortured them on three different occasions.

Trusting that this letter and these matters I have sent you will convince you that the statements published in the press to which you referred in your letter to me, were false, and trusting that you may interest yourself in these questions in your part of the country from the American standpoint, as they have been presented in the literature which I enclose, I remain,

Yours respectfully,
JEREMIAH A. O'LEARY."

Mr. Aygarn made no further reply. He was either convinced or silenced.

Perhaps the strongest and most convincing documentary evidence which should be presented to attest the patriotism of O'Leary was a statement entitled, "America First" which he issued on February 3, 1917, when America's participation in the world war appeared certain. It was indorsed by the Board of Trustees of the American Truth Society as the official attitude of that organization toward the war and copies were sent to all the members. When O'Leary's offices were raided by Government agents, secret service men abstracted this document from his files, but when ordered by the Court to produce it they failed to do so. After considerable delay and repeated demands the Government finally yielded. The statement, which accounts clearly for the Government's reluctance to bring it into Court, played a strong part in the vindication of its accused author. It follows:

AMERICA FIRST!

"I have been asked by several newspapers to make a statement on the present grave situation. In this most serious crisis of our country since the Civil War, I believe it is the duty of every American citizen to stand back of whatever action is taken by the President and Congress. No matter what may have been our feelings heretofore about the merits of the European War, or, about the attitude of our Government to the warring nations, there can be no reservations on the part of true Americans in the support that their citizenship and patriotism owes to our common country.

I know that millions of American citizens will be pained and distressed over the present situation, and millions and millions of others devoted to peace still hope that the war may be averted. I know the members and friends of the American Truth Society and I am convinced that every one of them is for the United States, first, last and all the time against every foreign nation which would destroy American rights. This has always been our position.

Do not let any man make a mistake as to where I stand. If my country goes to war against Germany, whether justly or unjustly, wisely or unwisely, for better or for worse, my heart, my soul, and my life, if need be, are at her service.

One of the most essential assets of the nation is its Irish and German blood. It isn't necessary for any American of such blood to explain his position. The history of our country answers that question."

The statement was issued when German submarines sank three American merchant-ships, the Memphis, Vigilantia and Tennessee on the same day, when these ships defied Germany's ocean blockade by submarines.

VIII

POLITICAL OPPONENTS STRIKE

In March, 1918, his indictments were moved for trial, and the trial day was set for April 10th. Four days before he was operated on for appendicitis. His trial was adjourned to May 20th. On April 23rd, he was removed from St. Catherine's Hospital, Brooklyn, to his home, being in a very weak condition as a result of the operation. A short time before this his lawyer, Henry A. Wise, withdrew from the case, fearing the persecution of Washington officials and wrote his client a letter in which he explicitly said as much. By innuendos and direct suggestions Mr. Wise had been informed that it would be well for him to sever his connection with the case. Apparently the Department of Justice feared his ability, and desired to force O'Leary to trial if possible, without counsel. Through friends, O'Leary retained Thomas B. Felder, later associated with Bourke Cochran. Felder agreed to serve, but he had no opportunity to consult his client. When O'Leary had left St. Catherine's Hospital he was advised by his physician, Dr. Frank B. Jennings, to go to the country and take a complete rest, as he could not possibly be in physical condition to stand trial within two months; yet the Department of Justice wanted to force him to trial in less than thirty days after his removal from the hospital. When he left the hospital his trial was still set for May 20th and the Government insisted that it must proceed. He had made no preparation of the case. His counsel has been compelled to desert him. His new counsel had had no opportunity to consult with him. To go to the country even for much needed recuperation under such circumstances might well be deemed folly. O'Leary therefore elected to be taken to his home. Because of his nervous condition he was unable to bear with the noise which his four healthy children could not reasonably be prevented from making and so again he was removed to his father's home, also in the city, with a view to greater quiet. He then began the preparation of a comprehensive statement of his case for the guidance of his lawyer. It was then about May 4th, and he had but sixteen days to rest and restore himself to normal physical condition, to prepare his case and get ready for his trial. Such a task seemed beyond the limit of human possibilities in this brief time. What followed later is told in O'Leary's own diary—a very interesting and fascinating narrative of the actual occurrences.

Some time in the latter part of April, 1917, a mysterious woman, who gave her name as Mme. Marie de Victorica, and was alleged to be a German spy, was arrested. At the same time her maid, a young Irish girl, Margaret Sullivan, was also taken into custody. Great prominence was given in the press to these arrests. After O'Leary failed to appear for trial on May 20th, three more indictments were found against him. The first charged him with a conspiracy to start a rebellion in Ireland, a conspiracy to destroy British warships, transports and merchant ships, and finally a conspiracy to destroy American ships. Another indictment charged him with a conspiracy to commit treason and still another with a conspiracy to obstruct justice.

At this very time Eamonn De Valera, Arthur Griffith, Count Plunkett and other Irish leaders were arrested and thrown into jail without indictment or other charges against them. The newspapers of the world were crammed with startling headlines and news of a gigantic Irish-German plot in which O'Leary was featured as the leading conspirator. In America, England, France, Italy, Spain,—everywhere that British control of the cables reached the Irish in Ireland and in America were charged with a sensational conspiracy against both England and the United States. O'Leary's disappearance was the pivot of the sensation. Next Willard J. Robinson, a young Irish-American was arrested, and Captain John T. Ryan, of Buffalo, a veteran of the Spanish-American war disappeared, driven away perhaps by the mob spirit which in those tense days seemed to prevail. A man named Albert Paul Fricke, another, Emil Kippur, another—Carl Rodiger—were also arrested and two dead men, Dr. Hugo Schweitzer and a man named Behrens were included in those charged with guilt in the indictments.

No wilder or more sensational indictment was ever filed than that charging O'Leary with conspiracy to commit acts of violence. All over the United States the press published the most sensational articles about him and the whole country entered upon a search for him. As his diary reveals, during those exciting weeks he was placidly resting and working in turn on his chicken ranch, cut off from the world's communications and unconscious of the hue and cry against him. He was absenting himself that he might recuperate in health and prepare for the trial of the "Bull" indictment. The Wise letter seemed ample justification for believing that he was the victim of an official conspiracy to "railroad" him to prison. Not only was perjured evidence to be used against him but he was to be prevented from having representation by counsel of his own selection, and so barred from a privilege which in all civilized lands is accorded to every man under accusation.

The plan of his enemies was clear. O'Leary for five years had been the object of the most persistent newspaper abuse. The people were now aroused to a hysterical frame of mind. If a newspaper campaign based upon indictments could be conducted, and O'Leary placed on trial in the "Bull" case in the midst of such a campaign, conviction was assured. It was the general opinion that the President would not be displeased with a conviction in his case because of the telegrams sent to him by O'Leary in the 1916 campaign; telegrams which, it may be remembered, drew from the President a rather ill-tempered intimation that O'Leary was associated with disloyalists. To convict O'Leary of disloyalty would vindicate the President, while on the other hand an acquittal of O'Leary would seem to be a rebuke for making allegations which the courts would not uphold. To accomplish his conviction all the mighty power of the Federal Department of Justice, endowed with special faculties by reason of the war, had been set in motion against him. A long prison term, perhaps even the gallows faced him, and the scales of justice, to which he had a right to look for an even and exact weighing of the charges against him and of the merits of his defense, seemed disturbed in their balance by the shock of the war and the false clamor of that mightiest of forces which sway public opinion, even the opinions of jurors and prospective jurors—the Press.

The first problem of the Department of Justice and of its agents was to find the indicted man. On the 1st day of June, Lyons who had accompanied him westward, returned to New York City. En route home he sent a registered letter to his wife's brother in Brooklyn. The letter was intercepted, its contents learned and then it was delivered. Lyons' wife was subpoenaed before the Federal District Attorney in New York City and questioned as to her husband's whereabouts. She had no knowledge and further stated that she had not seen or heard from him for more than a month. When Lyons arrived in the city he was promptly arrested and for fourteen days was kept incommunicado in the headquarters of the Department of Justice. During this period he was rigorously questioned. Breaking down under a "third degree" he told the location of his former employer, describing in minute detail just how to locate the ranch at Sara, as well as the circumstances of its purchase and the details of the western trip. Within twelve hours O'Leary was arrested and under a heavy guard was secretly brought to Portland, Oregon. On June 13th, still under a heavy guard, he was brought back to New York, arriving on June 18th.

The newspapers published most preposterous stories of his capture. Some narrated that he had resisted arrest; that a brisk shooting affray occurred; that his ranch was in a wild mountainous country, that it was surrounded by barbed-wire entanglements, and that it was stocked and prepared for a long siege; that he was protected by Sinn Feiners. Accounts of an actual pitched battle preceding his capture were published. Ridiculous as these fabrications were, they were a part of the plan to destroy him. He might have been killed the morning of his capture, but Providence placed him under his automobile at the moment of the arrival of the posse sent out from Portland, and in that prone position it would have been foul, cowardly, brutal murder to have dispatched him. The western men who arrested him were humane. They were of a nature not to harm any man unless resistance were offered, in which event they would probably have shown little consideration. O'Leary's return trip and his experiences are best related by himself in his diary which constitutes an interesting human document.

On the morning O'Leary appeared at the Church Street Terminal Building in New York in the custody of four secret service agents under command of Charles De Woody, he was in excellent humor and laughed and chatted with his captors. En route he had been reported as having made a confession and as being in a state of collapse. He was the attraction of curious, gaping crowds. His appearance on arrival gave the lie to rumors that he had broken down.

Even the newspapers, his most constant calumniators, were impressed with his manner. The New York "Globe" said:

"Jeremiah A. O'Leary, the Irish agitator, arrested last Thursday on a chicken ranch near Sara, Washington, whither he had fled from New York, was brought back today to face trial on an indictment charging conspiracy to commit treason, the penalty of which may be death.

"Shortly before noon O'Leary was arraigned before Federal Judge Hand and the indictment read to him. He pleaded "not guilty," and was remanded to the Tombs without bail. In a plea to the court O'Leary asked for the court's aid in obtaining adequate counsel, as he found that "public opinion and the newspapers had prejudiced the bar so that it was difficult to get counsel such as he desired."

"In the custody of a Department of Justice operative from Seattle and of Charles De Woody, chief of the department's Bureau of Investigation in this district, O'Leary was brought in on the Manhattan Limited of the Pennsylvania Railroad. Instead of continuing from Manhattan Transfer, this side of Newark, to the Pennsylvania Terminal, the party used the tube to Cortlandt street. An automobile waiting at the Fulton street exit carried O'Leary and his captors to De Woody's office on the fourteenth floor of the Park Row Building.

"Dressed in a dark gray suit, O'Leary did not manifest any dejection. His general carriage and demeanor were cheerful. Later, in Mr. De Woody's office, he smoked a pipe and gave a smiling nod to all who approached close to him.

"Acting as intermediary for the newspapermen, Mr. De Woody asked O'Leary if he would consent to being interviewed. He agreed, and answered questions willingly. Still smoking his pipe, he smiled and bowed to the newspapermen as they entered. A soft gray hat matching his suit lay beside him.

"In reply to questions as to his health, he said he was feeling fine.

"I'm resting up," he said. "It's the first rest I've had in four weeks."

"O'Leary said that he had nothing to say concerning himself except that he trusted that now that he was back in New York he would get a square deal from the newspapers. He explained that he thought the newspapers had treated him very unjustly before his departure from New York."

The New York American said:

"That he intends to fight to the last ditch to clear himself of the treason charges was indicated in a written statement made yesterday by O'Leary from his cell in the Tombs. He said:

" 'I have pleaded not guilty. That plea stands as my answer and my defense.'

"This was taken to mean that the former editor of Bull has refused all overtures from the Government and all pleas of his family to make a complete statement of his alleged knowledge of 'made-in-Germany' plans for fomenting revolts in Ireland.

"He was at once arraigned before Judge Learned Hand and with a firm voice responded 'not guilty' to the indictments.

He then made a statement calling the Court's attention to the fact that public passion was so excited that no lawyer would dare defend him, and chided the bar for this condition of affairs. Judge Hand assured him that he would have an able lawyer to look after his interests. Mr. O'Leary's sister was the only member of his family in the courtroom and as he was being led away to the Tombs, she called him by name. He stopped, smiled and as she rushed up to the rail, he placed his arms around her and kissed her. In the corridor he met his father and greeted him, for the first time showing emotion. In less than an hour, handcuffed between two marshals, he was taken to the Tombs."

IX

TESTIFIES AT BROTHER'S TRIAL

The following day, although charged with a capital offense, he appeared at the trial of his brother, John J. O'Leary, which was then proceeding before Judge A. N. Hand, and astonished his enemies by taking the witness stand. Knowing his brother's innocence, he was anxious to acquit him of any complicity in his flight. Many stood aghast. Here was a man convicted before trial—guilty before all and in the shadow of the gallows—taking the stand and facing his accusers in advance of any real necessity for so doing. His trip had given him some rest and browned by the western sun and neatly attired, before such a crowd as had never before pressed into a courtroom of the Federal Building, he told his story. His smiling, confident appearance, his good-natured, affable manner won him the goodwill of many present. He told about his trip in a straightforward, convincing style. The journalists present, impressed in spite of themselves, treated him more fairly than was their wont.

The New York Sun, commenting on his appearance, said:

"When 'Jerry' came into the courtroom from a door back of the judge's bench, conducted by a deputy marshal, he was smiling vaguely. After being sworn, he took the witness stand and from time to time his face broke into smiles of cheeriness that seemed to indicate a restored condition of mind and body. In his serious moments there was a deep line between his eyebrows which suggested the anxious periods through which he had gone. Clean cut, with a clear incisive voice, Jerry made a favorable impression as to the spontaneity of his testimony.

"He sat with his Alpine hat on his knees and occasionally relaxed in his chair with his thumbs in the armholes of his waistcoat. At times, too, he hung his head low upon his breast

John J. O'Leary, Jeremiah's Oldest Brother, Held in One Hundred Thousand Dollars Bail on a False Charge.

as though reflecting, while the lawyers disputed. He smiled so continuously at Mr. Barnes at one phase that Col. Felder said, 'You don't need to mind Mr. Barnes.' During the argument over the propriety of this remark he continued to be greatly amused."

The New York Evening Mail said:

"When Jeremiah stepped up to the witness chair he smiled at his mother, who was seated in the back of the courtroom. He was dressed in a business suit and presented the appearance of a well-groomed business man. In giving his answers to questions asked, Mr. O'Leary was cool and deliberate."

The Morning Sun went into considerable detail to bring before the public his demeanor. Speaking of the cross-examination conducted by Earl B. Barnes, the Sun said:

"The cross-examination had lasted two hours more than Mr. Barnes had figured on and was all inclusive, covering every minor detail of the case, but without once shaking the witness or even seeming to embarrass him. He seemed never to be at a loss for an answer to a question, though he frequently took his own time about answering. Only once did he seem at a disadvantage and that was an hour or so later, at the very end of the recross-examination.

"The time taken by Mr. Barnes on the cross-examination is the best indication of the difficulty he had with this witness, who had been described from the witness stand a few days before as a second Harry Thaw. Whatever his mentality off the witness stand, his performance on it showed merely the keen legal mind of the man ready at all times aggressively to grapple with the adversary.

"O'Leary came to the redirect examination as fresh apparently as when he took the stand at 10.30 o'clock on the morning of the day before."

The New York Tribune remarked:

"Transforming the witness stand of the United States District Court into an emergency soapbox, Jeremiah A. O'Leary yesterday hurled his final defiance at the powers that were and the powers that be.

"Today he sits in a Tombs cell, mute and closely guarded. When next he appears in public it will be as a man on trial for his life, charged with treason against the United States. Before passing into this temporary eclipse, however, the fighting Sinn Feiner improved the opportunity afforded him as a witness in the trial of his brother John to present his own conception of the reasons for his present plight."

The press and public expected great sensations from O'Leary's cross-examination when announcement was made that additional indictments—bringing the total up to five—were now filed against him. They were dumfounded when the revelations involved not O'Leary but the government, which was shown to be in a conscienceless alliance with discredited politicians and time servers to leave the witness no personal right, no counsel to defend him, no effective means to resist the invasion of his liberty. Perhaps the most sensational incident of his cross-examination at his brother's first trial was his testimony charging the government with persecution. The night before he left for the West O'Leary rode about the city in an automobile with his brother, John, and his employe, Arthur L. Lyons. During the trip he discussed his case. When cross-examined by Earl B. Barnes, Assistant United States Attorney in charge of the prosecution of his brother on this point, he warned Barnes that he had discussed him and his methods. He hesitated about going more fully into the conversation. Barnes, however, apparently not expecting what was coming, retaliated by saying "all right—shoot it!" O'Leary did, and this was his answer.

"I talked about my indictment, with regard to "Bull." I said that the indictment was an outrage; that it was not founded on fact; that it was the result of a desperate effort on the part of the government officials here, who had been hounding me for three years to put me in prison, because they were politically opposed to my views; that the indictment was based upon a violation of the Espionage Act, that is to say, the provision of it, interfering with the draft and obstructing recruiting, when, as a matter of fact, I had always believed in universal military service. I said I had served six years* when it was not a matter of newspaper notoriety or vaunted patriotism to do it; that when the draft measure was before Congress, I did not oppose it; that when I was asked by certain people to run as an independent candidate for Mayor upon an independent platform I refused on the ground that I was not opposed to the draft.

"I also told him I was accused of obstructing recruiting, when, as a matter of fact, every man that ever came to me and asked me about what he should do about the draft, I told him to comply with the law; and that any man who ever came to me to ask about volunteering, I told him to go ahead and join the service, preferring the navy. I told him I was indicted despite these things and that there was not a single word I ever uttered that could be reasonably construed as interfering with the draft, or obstructing recruiting. I talked about the 'Masses' case; about the argument that was had before Mr. Justice Hand, between you and Mr. Hilquit, on the question of the word 'obstruct,' and how Congress, after the Draft Law had been passed, realizing that the word 'obstruct' meant physical obstruction had amended the law so as to add the word, 'interfere'; that this was another point to prove that my indictment charging me with obstructing, was overdrawn; that it was a political move to injure me and those who had put faith in the things I have stood for in this country for the past ten years.

"I told him also I was charged with attempting to create mutiny in the army and navy; that I had never at any time, and the government knew it, attempted to create any mutiny; that my work was all public; that the things I wrote and my speeches were distorted by the newspapers; that I never made a speech in my life where these newspapers quoted me correctly. I never made a speech in my life where the newspapers did not put words in my mouth that I never used; and I told him that the newspapers had created a character in me that had never existed and had misrepresented me to the public to such an extent that when I read about myself in the newspapers

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* Sixty-Ninth Regiment, N. G., N. Y.

I did not know myself. I said that there was not a German from the time the European war started who was charged with a violation of our neutrality laws, but the government agents brought him before their officers either in this building, or 21 Park Row* and made it perfectly plain to him that if he would involve me in the 'Pro-German stuff' he would get his liberty. I told him there wasn't a man brought down who was not asked as the first question, if he did not know Jeremiah O'Leary; if there was not something he could tell the government about him? I told him about newspaper men whom I believed were Secret Service men, who came around and asked questions, in apparent interviews; that the interviews were never published in the papers; that they were fake interviews, and also that they were turned over to the government under the pretence they were interviewing me. I told him a lot of things, Mr. Barnes. I do not want to tell you what I told him."

Q. I would like to hear it.

A. "I will be very glad to tell it. I told him I thought my persecution was brought about as a result of the recent municipal campaign; that I was made an issue in that campaign by John Purroy Mitchel; that I had retired from all political and public activities on the 1st of September, and that I was deliberately taken from my retirement by Mitchel, put upon an anvil; that in every speech Mitchel mentioned my name, and held me up as disloyal to my country. I said the people of New York had resented that, because they knew that no Irishman was disloyal to the United States; that the people of New York had resented it by the largest vote ever given to a candidate for Mayor in the city and that the worst repudiation any man who had been Mayor had ever received had been received by Mr. Mitchel. I pointed out the fact that the men behind Mitchel, like Hamlin Childs, who had used money to corrupt the electorate in this city, were responsible for the making of this issue in that campaign; that they knew at the time Mitchel's administration had been unpopular and were seeking to use the fact that my brother-in-law, Mr. Whalen, was closely associated with the campaign of Mr.

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* Bureau of Investigation.

Hylan; they were trying to use that connection to bring about Mr. Mitchel's election.

"I told him that my indictment came as a result of the disappointment, the bitter disappointment that Mitchel suffered over his defeat; and that it was an effort by his friends who were very close to the Department of Justice here; that a conviction was very vital to make good the campaign they had adopted; that during the administration Mr. Mitchel had been repudiated by the people; that it was an attempt to restore Mr. Mitchel, who had gone down to defeat after he had been repudiated, after he had enlisted in the service, when he should have enlisted before, to restore him to political favor so that he could come back and become a political candidate for something else. I told him a lot of things, Mr. Barnes, that night."

Q. Well, you told him something very bad about me. I am interested to hear it.

A. "I told him you were so overcome with your sense of responsibility in this case, so anxious to win it, that you were resorting to the desperate moves of throwing out hints and insinuations to my lawyer, so that you could get rid of a lawyer you were afraid of. I said that you knew Mr. Wise as a man of standing, that he knew the jurors who had come here and sat in many cases while he was the United States Attorney; that you were afraid of his appearance in the case; that he in some way interfered with your success. I told him I thought you suffered from an over-responsibility, and that you had misconceived your purpose as a public prosecutor; that you considered your own ambition first, not the question as to the guilt or innocence of a man who was charged with a very serious offense. I told him, too, that before the Grand Jury I was not given a square deal; that there were men in the Grand Jury room I did not know who had no right to be there. I told him that I understood Grand Jury proceedings, that there should be in the Grand Jury room only the Grand Jury, the stenographer, the public prosecutor and the man who is being examined. I told him that at times there were two, three or four men in the Grand Jury room, and that the presence of those men indicated a disposition, an interest, an inclination upon the part of the government to secure the indictment."

Q. Did you believe that those, whom you call strangers to the Grand Jury, were assistants to the United States Attorney?

A. I don't know that it is necessary to conduct a proceeding with half a dozen assistant United States Attorneys before a Grand Jury.

Q. There never were half a dozen.

A. Well, three or four. They were over back of the table there, I don't know how many there were, but there were certainly more than three, at times. I told him also, Mr. Barnes, that my examination before the Grand Jury was not fair; that it was not an examination; that it was a cross-examination conducted by you and that if I had been represented by counsel, or if I had had an equal opportunity to examine myself, or, to make a statement that would have equalized the examination that Grand Jury never would have returned an indictment. I told him furthermore that things which were brought out before the Grand Jury had nothing to do with the "Bull" case, that there were only two or three cartoons in "Bull" pointed out to me to explain, that there was no emphasis made upon articles in "Bull" which clearly vindicated me, and proved that I was not trying to interfere with the draft or to obstruct recruiting, create any mutiny in the American Army or in the American Navy.*

"I told him there were articles in the magazine I wanted to place before the Grand Jury in order to explain my motives, that I was not permitted to do so; that I had no opportunity to point those things out, nor to prove that in the work I had been engaged in, I was fighting for the highest American ideals, as emphasized and expressed by Washington, Jefferson and Lincoln. I told him also all about what I explained here yesterday, about your forcing me to trial, about your coming in here and making the remark that I was an able lawyer and could try to handle my own case. I told him that, coupled with what you had said to Mr. Wise, and what Mr. Wise had written me, it was proved your purpose to get me into court without a lawyer, so that I could not have a man to ask me questions, where I would have to question myself and get up before the jury and talk about myself in a way that I did not want to do because it would be humiliating and embarrassing.

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* It is due to the author and reader alike to mention here that the evidence given by O'Leary on the witness stand is reproduced from the Court record.

"I went into the whole thing that night, all the way from my home to Brooklyn. That thing was always in my mind. I was always thinking about it, because I felt that this great big United States ought to be big enough, even in time of war, to see that a man who had always tried to be a loyal citizen, and who was raising a family and who had been a productive force, that he at least, for the sake of the United States and its fair name, should get a fair trial. I talked about those things from the time I left home to the time I got to Portland,* and that while out there on the ranch, I talked about them still. I will talk about them, I am talking about them now, and I will ever talk about them; I will never forget them to my dying day."

Those present in Court when this statement was made were a unit in believing that the cases against both Jeremiah and John O'Leary had been exploded. The answers came straight from the heart of the witness and fired a bombshell into the prosecution at the very start. Propelled from Jeremiah A. O'Leary with all the force and energy of which he was capable, they held the jury and courtroom tense and won the respect and admiration even of those who up to that moment had not known the true character of the man.

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* Oregon.

X

A CHARACTER SKETCH

This sketch would be incomplete without some reference to the personal qualities and characteristics of the subject. Mr. O'Leary is a man of impressive height and appearance, standing six feet and one inch. He is rather slender in form, yet his shoulders are broad and well set. His military training and athletic development have had their effect, since he gives the impression of being both lithe and muscular.

Like many men of his race, he possesses extraordinary physical vitality. The strenuous professional and public labors through which he has passed during the past ten years, culminating as they did in the hardships of jail confinement, having had superimposed upon them a severe nervous collapse, a serious surgical operation and prolonged attack of the Spanish influenza, have had little lasting effect upon his physical appearance. His characteristic and well-defined crown of wavy, dark brown hair is now shot faintly through with streaks of gray. His features, never too full, but well defined, even classical in type, are now a little leaner, perhaps a trifle sharper, though the magnetism of the O'Leary smile and the bright flashes of a pair of piercing blue eyes, well set beneath an intellectual forehead, shaded by evenly matched and shapely brows, distract attention from a too intimate study of facial lineaments, accentuated by hardships through which he has passed.

With a form and physique which would attract attention in any group of men, O'Leary's main characteristics are still the intellectual. There is a dignity and poise in his bearing which are never absent, even in the moments of his most intense mental or physical activity. Possessed of a keen sense of humor, he enjoys hearing or telling humorous anecdotes, particularly when there is a point to the story which serves to illustrate an argument, that might otherwise lack in lucidity. Probably his most striking characteristic is his sincere democracy. The professional man of high rank and the man of lowly station in life he meets and greets with the same affable cordiality, with no trace of deference toward the one or of condescension toward the other. He is at home with the highest as well as the humblest; with all he is always the same. While his great popularity is with the masses of the people, for whom he has an affection akin to that held by Lincoln when he went from place to place speaking and debating at the same time proclaiming American ideals, his warm and intimate friends are numbered in every rank of life, from the highest to the lowest. He judges men by their devotion to truth and justice. All he asks of any man is that he stand erect and be a man. Doubtless, if asked, he would state that he subscribes unreservedly to Burns's lines:—

"The rank is but the guinea's stamp;
A man's a man for a' that."

As a speaker he takes high rank. There is nothing of the studied polish or of the strained effects of the rhetorician in his forensic style, the dominating notes in which are ever sincerity and earnestness. His oratory is spontaneous and direct. He is at his best in his extemporaneous deliverance, and rarely, indeed, does he prepare a set oration. He prefers to place his dependence upon his knowledge of the subject, as he gauges the temper of his audience. Few speakers of extensive experience are more expert in reading the minds and hearts of his hearers than he. His idea of public speaking is not to lecture his audience, but to bring out their true opinions. So much is this the case that many, even of his friends, are wont to say that "O'Leary has a following which always turns out to hear him speak." Yet before new audiences he is just as certain to win the ready sympathy and quick response of the gathering as among those who know him best in his home city. He enjoys, as few speakers have, the sharp question, the abrupt interruption of a heckler in the audience. His responses are quick and effective. Interruptions never disconcert him. Never does he fail in matching wits with such an adversary to score a point and to win approval, when others might, under such circumstances, hesitate in chagrin or confusion.

Mr. O'Leary's speaking tour in the Wilson-Hughes campaign was marked by stirring experiences in which he had to contend with a fierce current of passion, prejudice and bigotry. Time and again he invaded the enemy's strongholds, in many cases at great risk to personal safety and in brilliant forensic efforts confounded his opponents. While speaking in the Central High School in St. Louis an excited man suddenly jumped up and shouted, "My name is Daniel O'Connell, and I am for Woodrow Wilson, first, last and all the time." The audience was astounded. The man was very excited. O'Leary stopped, turned quickly to his interrupter and asked, "You say your name is Daniel O'Connell and that you are for Woodrow Wilson?" To which the man replied, "Yes sir." As quickly as the interruption came, O'Leary retorted, "I am sorry to have to inform you, sir, that if your name is O'Connell, Woodrow Wilson is not for you." The audience, at first indignant, became convulsed with laughter and broke into a storm of applause as it caught the full significance of the speaker's sharp retort.

On another occasion, in Pittsburgh, while O'Leary was making an address in the Pitt Theatre during the same campaign, one of the audience suddenly interjected a question. The audience resented the interruption and from all parts came cries of "Throw him out." In a moment, the situation was tense. O'Leary saw several excited men run towards the interrupter. Seizing control of the situation, he said, "I want you men to protect that man from harm. Don't permit anyone to touch him. Stand guard over him and don't let him leave the theatre until he has asked every question he desires about me." The audience obeyed, and for fifteen minutes query after query was hurled at the speaker, every one of which was promptly and directly answered. When the interrogation ended, O'Leary asked, "Have you satisfied yourself about me?"

"Yes," was the reply, as the questioner arose and led rapturous applause which lasted for several minutes. When silence was restored, O'Leary asked if any one else desired to interrogate him, remarking, "I am not afraid of questions. I invite them, and if I cannot answer them, disregard everything I say. If I can I want you to disregard those who malign me or question my sincerity."

During the same campaign he addressed an audience at New Haven, Conn. Over five hundred men had been sent to the meeting to aid several others selected by a local political committee to follow and to annoy him. The speakers included Bernard H. Ridder, of New York. O'Leary was on the platform. Mr. Ridder had not spoken long when he was interrupted with cries of "Sit down! Sit down! Put on O'Leary!" The shouts became so loud and persistent that finally Mr. Ridder, turning to O'Leary, said: "Here, I will let O'Leary talk to you. He knows how to handle you." Amidst a storm of applause and jeers O'Leary arose. He made no effort to still the tumult. He smiled as though delighted with the noise. Five minutes later it began to subside. Nevertheless, he made no effort to speak. He waited until one could hear the proverbial pin drop, and then, with great dignity began, "Ladies and Gentlemen—and others." Immediately there was a roar of laughter, while those who came to interrupt seemed stunned. Later, the storm broke again and questions began to fly. Regardless of the noise, its quality or volume O'Leary could pitch his voice above the howl of the mob until it was forced to listen. He then compelled every questioner to advance to the left of the stage—half face the platform and the audience and ask his question. He would then repeat the query, turn to the interrogator and ask, "Have I stated your question correctly?" Upon being answered in the affirmative, O'Leary would turn to the audience and answer it, always to the point. He continued this method for one hour to the delight of the audience. When the questioning seemed ended, a man arose and essayed to walk towards the platform. O'Leary, observing him, remarked, "That man walks like a walking delegate." The audience laughed, the man stopped and holding up a pamphlet he had received at the door, asked, "Did you distribute that?" O'Leary answered, "Yes." "Where is the union label on it?" was the next question. O'Leary quickly retorted, "Where is the union label on you?" The crowd roared its appreciation. When the questioning ended he made a speech lasting one hour, without a single interruption, and when, exhausted, he finished by saying, "You men came here to prevent me from speaking. For one hour you interrupted me and did everything possible save violence to howl me down. I fought you until you listened to me. I have now made my speech. I have said everything that I came to New Haven to say without hindrance. Whether you agree or disagree with me you must give me credit for one thing, and that is, I compelled you to listen to me. I have answered your questions. I have made more noise than you have, and for one hour I've won what I have been struggling for, silence and respectful attention." The audience burst into tremendous cheering, and, instead of leaving the hall, crowded about the platform and congratulated the speaker. A platoon of police was there to escort O'Leary from the hall and protect him from violence. The very men who came to injure him escorted him to his cab, and as he was whisked away they broke into a mighty cheer for the man who had beaten them at their own methods.

Perhaps one of his most effective efforts was his speech in New York* after his release from jail. He began at 11:00 p. m., and finished at 12:15 a. m., yet scarcely a person left the theatre, although standing room was at a premium. Few, if any, public speakers in America have been more influential with their audiences, nor have any been so misrepresented or so maligned by the press as O'Leary. Whenever he has been advertised to speak there are no empty seats in the house. After he has begun few leave the place. He grips the attention of his listeners until the close. He has never been known to deliver the same speech twice. Although his ideas are entirely consistent, he possesses the extraordinary ability to present them upon each occasion with a different coloring or setting, thus making it possible for people to hear him frequently, and yet to never tire of listening to his fiery eloquence. Some of his most delightful experiences included discussions of the Irish question with Irish audiences. On such occasions he rises to heights of eloquence and a flowing power of expression and of vivid metaphor which makes the occasion a memorable one. When he delivered the Emmet Day Oration in Boston in March, 1916, he was congratulated from all sides and received a tremendous ovation.

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* The Lexington Theatre, May 25, 1919.

O'Leary is at his best as an effective speaker in discussing from out the wealth of his knowledge of American history and the profuseness of his memory of the utterances of the Fathers of the Republic, the vital problems now confronting Americans. Washington is to him a sacred inspiration, God's greatest endowment to a highly-favored nation; Jefferson's philosophy is his political creed, the secure foundation upon which all that is valuable in American institutions and American traditions must continue to rest. Lincoln he loves as one of America's most fearless advocates. His faith in America is virile, sturdy, like the trust the child places in the power of his parent. He sees no danger confronting his country if only she is true to herself and to the inspiration found in her own history. Nor can he see safety, nor statesmanship in any course which would involve departure from the chart which the builders of our Ship of State drew for us to follow.

When Government agents raided O'Leary's office and seized his check books, they found no evidence of "German money" but almost every stub marked "loan, loan, loan, etc.," representing money lent to someone in need of financial assistance. Crowley & Quinn,* who examined the books of the American Truth Society in 1916, found that the organization owed him large sums of money. They discovered that this man of comparatively slender means practiced what he preached, sharing his substance with the needy, spending his money in promoting American institutions, in safeguarding American sovereignty and individual liberty, and all with no selfish interest in view.

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* Certified Public Accountants.

The accountants' report contains the following interesting statement:

"The personal check book of Mr. Jeremiah A. O'Leary, as well as memoranda kept by the Society, shows that he has advanced personally, to the Society, large amounts of money. We have examined Mr. O'Leary's check books and checks returned by his bank. The total of such personal advances to February 29, 1916, was $5,152.47. Of this amount Mr. O'Leary informs us he advanced $250.00 for the payment of printing the first prospectus of the Society. Claim for this amount has been waived by Mr. O'Leary. Mr. O'Leary has also waived the payment of $1,000.00—$500.00 of which he contributed to a fund of $5,000,00, raised by the Society, and $500.00 he waives by the acceptance of this report. The Society has paid Mr. O'Leary $3,150.00 on account, leaving a balance due him February 29, 1916, of $752.47. The records of the Society show that Mr. O'Leary has not received any salary or emolument."

It is most useful at this point to set forth a few items from canceled checks examined since March 1, 1916, in order to make still clearer the absolute sincerity of the man who, although relatively poor, made such tremendous sacrifice for "the cause" as he always termed it. Here is his effective answer disproving for all time the now exploded charge of "German Money." It is a list of checks to Bull Publishing Company showing the sums he supplied out of his own purse when "Bull" needed funds:

Jan. 30, 1917	$ 150.00
March 3, 1917	600.00
March 24, 1917	20.00
April 14, 1917	150.00
June 23, 1917	50.00
July 6, 1917	750.00
Aug. 23, 1917	50.00
Nov. 28, 1917	83.33
	$1,853.33

The above figures do not total all the moneys thus expended without return. There are other additional items which would bring the total up to at least $3,000.00—all of which were proved at his trial.

As another illustration there is a canceled check showing a payment on August 30, 1916, of $1,500 to the American Truth Society, and another of $325.00 payable to Carnegie Hall, hall rent, for a mass meeting which was held by the American Truth Society on February 2nd, 1917, to protest against the high cost of foodstuffs and to advocate an embargo on such commodities. On this food embargo campaign alone, O'Leary lost at least $1,500 as a result of the failure of the American Truth Society to reimburse him for expenditures made. He always said, "The people can never be made to see and understand the necessity for supporting financially movements which aid them. In all my work I have been compelled in most instances to advance the funds myself and then secure reimbursement from the people after I have demonstrated the value of the service."

In the campaign carried on by the American Truth Society against the Anglo-French loan floated in 1916, and directed by O'Leary, the society had only $750.00 in its treasury when the campaign began. When it was finished the society had contracted for the expenditure of approximately $10,000, which it raised by an intense campaign for funds to reimburse it. When this effort was over the society was able to pay its bills and to show a balance to its credit of $7,500, an extraordinary public tribute to the work of Jeremiah A. O'Leary. It was the revelation of such interesting facts which not only won the jury which tried him, but also created great admiration in the jury for the man so that when he was tendered a public reception* in New York City after his release from the Tombs, eight of his jurors attended and joined in the great demonstration which he received when he arose to address the meeting.

There are numerous other details that might be narrated, but these must give way to more important matter. The complete story of his trial which ought to be available to every

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* May 25th, 1919.

American, was suppressed in its chief features, and while the charges against him were published in scare headlines, his splendid defense and vindication received scant space in obscure columns of the newspapers.

In conclusion I want to affirm that, as a soldier who has fought for my country during the recent European war, I have ever been proud of my friendship for Jeremiah A. O'Leary. I know him to be a true and loyal American, a man whose memory will be revered when his maligners are forgotten, not as an Irishman as many have been wont to call him perhaps because of his Irish name, but as an American devoted first and foremost to America's highest ideals, and through that devotion always a firm advocate of the freedom of Ireland.

PART II.

My Experiences

THE DIARY OF

Jeremiah A. O'Leary

from the

TIME OF HIS DEPARTURE FROM NEW YORK TO THE
BEGINNING OF HIS TRIAL

including

HIS EXPERIENCES IN THE TOMBS AND IN THE
PRISON WARD OF BELLEVUE HOSPITAL

I

I LEAVE FOR THE WEST.

O'Leary's trial was set for May 20th, 1918. It was a date for which his numerous enemies waited with eager and grim expectancy. The press, instigated and financed by sinister and un-American forces, continued to inflame public opinion to the highest pitch by repeatedly charging O'Leary with disloyalty. To bring him to trial while the wave of hysteria, fanaticism and indignation was at its height would be to ensure conviction. The occasion was all the more favorable since the accused was suffering from the effects of a severe operation. O'Leary, not conscious of this, was nevertheless destined to deprive his enemies of their Roman holiday. When he was called to trial he did not appear. He had gone on a trip to the far West and for a time at least had baffled his persecutors. The story of his journey and experiences as revealed in his diary, is one of the most interesting, most appealing human documents ever published. It shows the author to be everything that his staunchest admirers believed him to be—a devoted American patriot, a fond husband and father, a religious man. His life, thoughts, ambitions and suffering from the time he left New York for the Pacific Coast until his return and during his incarceration in the Tombs prison are recorded in the following pages:

Tuesday, May 7.—Left New York at 10 o'clock from the Pennsylvania Station with Arthur L. Lyons. Dressed in blue serge with light stripe, usual appearance—destination, St. Louis. Nothing unusual occurred on trip. Towards evening we approached Pittsburgh. While dining I met an acquaintance, a former Manhattan college man. He is an engineer and explained all about the rock formations of the country through which we were passing.

Wednesday, May 8.—Arrived in St. Louis about 10 a. m.

We made inquiry about trains to Denver. My trip from New York has fatigued me, and my wound and lower abdomen are numb. I am very weak. We walked about to get tickets, got shaved in the Hotel Imperial barber shop. Finally we went to the Portland, a small hotel. I registered as "Waters" and Lyons as "Corbett."

We dined at the Portland, made some purchases, and at 10 o'clock, amidst the tears of mothers bidding their drafted sons good-bye, left St. Louis for Denver via Kansas City and Union Pacific. St. Louis is a real metropolis—more like the East than the West.

May 9.—Kansas City, so early in the morning, seven o'clock. We took a trolley car to the business section of the city, breakfasted and afterwards took an automobile ride. We saw the stockyards, watched men buy and sell cattle. Some were fine beasts, others small and scrawny. The owners or brokers—many wearing sombreros—ride about on horseback. The cattle were in stalls or pens, each one marked to indicate, (I suppose) their owner. There were acres of these pens, all filled with cattle. In the distance were slaughter houses not quite so large as the great abattoirs of Chicago but large enough. Kansas City is a great cattle center and thousands of cattle change hands there daily. We rode about the city and saw the residential section, one of the most beautiful I have ever seen. The occupants of these attractive houses are fortunate. The people of Kansas City have much to be proud of. The city has wealth and shows it nicely. I can see here great civic pride. The people are very plain. The girls dress well, they are pretty, while the men are plain-looking and hardheaded. There is a slight cosmopolitanism about the city but it is not Anglo-Saxon in any sense. The people of Kansas City ought to be in sympathy with Ireland but I suppose like a good many more of our Western cities they are lectured to death by British propagandists and poisoned by an inspired and venal press. Farewell! Kansas City. I like you.

At 1 o'clock we were away and soon speeding over the plains of Kansas. The train was full of young soldiers, going to

Camp Funston. Fine boys, the bloom of health in their cheeks, blue eyes, brown eyes, black, brown, light and red haired, varying types of the Caucasian race. How my heart bled for these boys as I looked through the car window upon the comfortable homes they left. For what? God knows—when will they return? God knows, too; only God knows. I have always loved the boys and I talked to them. "Going to camp?" I asked. "Yep" says one. "Drafted?" "Yep," remarked another. "Ever have any military training?" "No," said the first. One resembled a German-American, the other had an Irish strain, but they looked alike—typical Westerners. Their families were on their minds. They talked about occurrences at the station—little things—but they chatted about them all the time. These boys are brave, too young for deep thought, too young for grief. Soon they will be in uniform and assigned to various branches of the service—infantry, artillery, machine guns, transport, hospital, aviation, a thousand and one different places —where each will help in the gigantic undertaking the country has set its shoulders to. As far as I could see, the whole country is working for the war. Everywhere on both sides of the train is tilled land. Camp Funston is a city of sheds as far as the eye can see to the south, and it seems as though it takes the train fifteen minutes to pass it. Well, there are the boys, thousands of them, some say fifty thousand. Good-bye, boys, and God bless you! If you can get over you'll win; if you can't, how can you fight?

May 10.—Denver. The city was not yet awake when the train pulled into the station. Breakfast again. It's cold. Coming in I saw cars covered with snow. The first thing we did was to buy overcoats and cravenettes. I've seen Denver before. It looks the same. It gives one an entirely different impression from Kansas City.

Leaving Denver for Salt Lake City, we ran into a snowstorm and for three or four hours beheld a beautiful picture. The foothills of the Rockies cloaked in a mantle of snow. What could be purer than mountain snow freshly fallen? Just imagine it, May 10th, and snow is falling.

May 11. Salt Lake City.—What a refreshing spot! The Mormons certainly had good taste. Approaching Ogden and Salt Lake City I saw the coziest and the most homelike looking farmhouses or ranches as they are called here, I have ever seen. They warm the heart. What wonderful opportunities for poets! Have they been painted in song? Have they been described in prose? I shall not attempt it, my pen fails. The things I saw affected me too much to write about them. I saw happiness, men, gaunt, strong, quiet and contented; women, silent, serene and happy. That's why their homes smile. That's why I felt their warmth. If the people in our cities could only content themselves here, how much happier they would be. How strong and healthy their children. How much they could save. They must dress their children in fine clothes. Even the poor of the cities like to see their children looking nice. They wouldn't find it necessary to buy shoes all the time. The children kick their shoes to pieces in a month. Out here they could keep their feet healthy, they could kick till they were tired, the more they kicked the stronger their feet would become. Barefooted boys make good soldiers. I saw that on the train running to Camp Funston. Why don't they come out and settle here where the air is pure, the sky clear, the sun warm and kindly, where the ground yields up its crops like bread from heaven? You can ride a horse out here and the horse is glad to see you. In New York a saddle horse costs you five dollars an hour. Out here you can ride all day for nothing and they'll carry you all day long. Where are those fools who want to keep out immigrants? Shame on them! Here is the country for them. See the vacant land waiting for them. Are we dogs in the manger? Have a care you thoughtless of our cities, have a care. Look beyond and around you. In one hundred years where will you be? In one hundred years this land will still be here. It will be inhabited by immigrants or their children. God has His own ways about things. They call it Nature, I call it God. Those without children seem to have the most prejudices. They certainly have the most time to devote to public affairs, but the poor people who don't bother about politics and wealth, have children, whom they love. Their screams and joyful prattle sing sweeter songs to them than the soul-stirring violins of the Metropolitan. I love music and opera too, but I love children more. I would prefer the joyous shrieks of my children to all the music in the world. I would rather receive the smile of a little child than the favor of a fussy spinstress or worse, a fidgetty childless woman, because next to the warm sun which gladdens the heart is the smile of the little child. They have them here. That's why their homes look so cozy, perhaps too, that's why I love them so.

What memories these children will have! What pictures in their minds of childhood days! What a magnificent start! No wonder outsiders who come to New York "get away" with the best of everything. Here's where they get the energy, the wisdom, the foundation. When shall these strong men of our land, these real Americans rescue America from the grip of foreign influence? When shall they demand that these things I see shall be the inspiration of the real America? God has built His country around these mountains. When shall we take the hint and recognize the backbone of our patriotism, our national soul, to be the great ideals of the fathers, not those bred by kings and aristocracy but those given us by just such people as these without frills, gilt or gold, homely, rustic, pure? That's the question. When the country rules the country the country shall be free. While the city rules it, riding roughshod over the country, the country shall be in slavery. We can't beat this picture in my mind to-day, we can scoff at it, sneer at it, avoid it, we can devote our lives to Mammon, but in the end we must fall back upon this great West, our backbone for our life and strength.

II

IMPRESSIONS ON THE JOURNEY.

At three o'clock we left Salt Lake City for Portland, Ore. At Ogden, Lyons and I decided that I should not return to New York. My country has been cruel to me. I love it but it has fallen into the hands of those who hate me. I spoke too plainly. I thought my country was free. War is on, but how could free speech hurt the war? Is my country right? If so, what has she to fear? If wrong, she has much to fear, the fear of being set right. O, my country! I have loved you all too much. I have given too much thought to you. I should have gone on and made money. In New York I should have agreed with the powers that be; instead of antagonizing the press, I should have sought its smiles. How foolish I have been. Earning a princely income from my profession, I should have accumulated a fortune and joined those who are grinding the people of this country into cynicism and socialism. Now, I am a fugitive from injustice. From now on I shall be hunted. My family will be hunted—a family which never failed its country. Quietly, unostentatiously it has done its duty. From four devoted grandparents there has sprung up enough humanity to settle a small town. In those khakied ranks stands every boy ready to fight, yet here am I, in a train speeding towards an unknown country to hide—running away, from what? From justice? God forbid! They want to try me on the twentieth. They want to try a man twenty pounds underweight, a nervous wreck, without counsel. They drove my lawyer away from me. I paid him $1,000 and he told me that he would be persecuted if he represented me. A former United States attorney giving up his client because he feared persecution! Great God! If he felt persecution and he a Southerner too, what plans have they for me? No, I am

Stephen Whalen O'Leary, Eighteen Months Old at the Time of His Father's Trial.

not running away. A man with Irish blood never runs away. I am only tripping them up, disconcerting them. They'll get me. I can't hide in my own land. Soon the whole country will be looking for me. My picture will be plastered all over it, I can't escape, but I can at least bring the people to their feet. I can secure their attention for a few moments and then tell them the kind of democracy they have been trying to hand me. That's the best way I can serve my country and in serving it thus, in drawing about myself for a short while, and my honored home a cloak of oblivion, I can best call the attention of the generous-hearted American people to the un-American infamy of those who proclaim that an American who hates the imperialism—the cruel imperialism of England as Washington and Jefferson despised it,—is disloyal to the United States. That's why I am in this train thundering along between these mountains and if I can get back my strength, with God's help, I'll go back even if I have to walk and face them. They can be beaten because they are wrong. They can be beaten because they are actuated by prejudice, by newspaper headlines. They do not possess the facts. But enough of this. The country is too interesting. I must not think of the East any more. I am now in the West—in God's country—and as I love it I want to see it. I am going to live in its bosom and as I love it I shall be happy there. Kind friends will look after my wife and children. I will miss them, but their faces shall be ever before me to cheer me. I know they will not forget their "daddy."

A man who fights for his convictions has no right to a soft heart. He must harden it if he is determined to go through with it. God help his wife and children. They never understand. They need him, they want love, love! love! all the time. I have left my wife and children in comfortable circumstances. They have a beautiful home. I paid for every stone in it. I gave my wife $21,000 the day I went into the hospital for my operation. That sum was my life's savings—all I had. That will take care of them for a while if she is frugal and careful. All for them, very little for me. Why not? She has risked much for me. God bless them all and protect them until I see this business through. It isn't the first time a man with Irish blood has been in this position and since fate has selected me, I shall face what's before me as an American and that means a good Irishman.

May 12th. We have passed through Baker City. We are in Oregon, the country explored and opened up by Lewis and Clark. I am reminded now that Cadwalader's story of the Lewis and Clark expedition was ridiculed in England.

Cadwalader wanted to develop the country. England wanted to keep Englishmen in England and carried on a villainous propaganda against America to frighten her people from it. England knew well how great America was and might be. She knew well how pure our political ideals were, consequently she libelled us to her people and her people believed. England is wise. She is now engaged in telling us what wonderful institutions she has and she has the means of informing us under her control, and we believe. This is Sunday. All day long we travelled across the State. I have just seen the Columbia River and am disappointed. It's too serene. It looks yellow, but they say still water runs deep and I know that salmon do not like dead water. Evidently the best of it remains to be seen. I am glad I waited. Now we are approaching the Mount Hood Country. We have traveled over the mountains, up and down through Oregon's famous forests. The train rattled down a canyon as though it was glad to be over the ascent. What wild scenes! A good place to cut down some trees, build a log cabin and live as the Indians did with rifle and rod. Here's the Columbia again. What a different river! How the water leaps and foams! It looks angry now. The salmon surely must be there. I imagine I see them as the sun shines through. Here and there are black streaks which might be salmon and then again they might be illusions produced by the speed and shadow of the train against the disturbances of the water.

I can now see the grandeur of the Columbia river as it cuts its way through gorges or flows smoothly through the land farther east. Now it rests, again it rushes, anon it sleeps, later it leaps. What a beautiful playground for the strong, princely salmon! Columbia, you are a mighty river and America may well be proud to call you her own. Oregon is fortunate to possess you. Later on I shall be anxious to see whether the people appreciate the wonderful advantages of a great waterway like you wending its way midst mountains and through valleys to the Pacific. Navigation has commenced. We now meet mighty locks which seem to tell me that boats ply here. That is The Dalles, where the crystal pure Des Chutes River empties its waters into the Columbia. What beautiful water and what a meeting of waters! If Moore could have seen this. The waters of the Des Chutes cutting their way through a gorge fairly dash down the incline, so glad and joyous are they to join the great Columbia. Far out into the stream is the purest water I have ever seen swirling around in little eddies as though dancing with delight to find its home in the bosom of the queen river of the Pacific Slope. Now I get a glimpse of the great Columbia Highway, a magnificent road paralleling the Columbia River. It is crowded with automobiles, like any automobile road running out of New York on a Sunday afternoon. Apparently the people of Portland realize and appreciate the grandeur of their State. We have passed through Mt. Hood. Great crowds got on at the station there. We are nearing Portland now. Lyons is back on the observation car. He is not missing anything. I am alone in my compartment writing and thinking. The scenery along the Columbia River from The Dalles is very interesting. Across the river are barren-looking mountains and wooded ones as well. The day is beautiful. We can see the salmon wheels which pick the fish up and place them in a box. Occasionally I see someone fishing on the banks. I envy him and feel that perhaps I may soon have a chance to fish on the Columbia River. We are approaching Portland. The passengers are beginning to move towards the exits. Lyons returns. We get our grips and wait. As the train pulls into Portland about six o'clock, I am tired and weak. The trip has exhausted me. I am glad it is over. Whatever I shall do, will be done in and from Portland.

Our first stopping place in Portland was the Hotel Cornelius where we registered, Lyons, as Thomas L. Corbett and I, as James Waters. The Hotel Clerk calls me "Mr. Waters." We got a room and bath on the fifth floor. What a relief!—a bed and bath. I make good use of both. We eat in a Chinese restaurant in the basement. For thirty cents I got soup, excellent chicken, potatoes, peas, ice-cream and coffee, well cooked and well served. Restaurant prices are low in Portland. I like that idea very much. They had music. That helped some. To get two meals for one dollar is really democratic.

I go to bed in Portland—tired, a nervous wreck, or as the boy in the street would say, "all dragged out."

III

IN SEARCH OF A HABITATION.

May 13th. We looked over the advertisements in the Sunday papers for a ranch. We have decided to buy one and hire some one to run it. We marked several advs. but only one attracts me. It offers a six-acre chicken ranch, house, several buildings, 600 chickens, fifty rabbits, crops in the ground, household furniture, tools, etc., for $950. I have about $1,500 now and $500 in Liberty Bonds. We decide to look into it. We also decide that an automobile is indispensable and a Ford the most suitable. We seek advertisements of Fords for sale. We find them. "Corbett" starts out to buy one. I remain in my room. I couldn't go out if I would. I ought to be in a hospital instead of a hotel. I stay in bed during "Corbett's" absence. He returns in four hours to tell me of his luck. He has a car. Good! We decide to get dinner and talk it over. "Use your own judgment," I said, and he does. He buys, pays a deposit and agrees to give $450 for a second hand Ford. Imagine it! Fords are high here now. War is on and you can't get a new one. Don't ship them any more. Old cars sell for the same price as new ones. "Beggars can't be choosers," so we accept the imposition. "Same all over the town," "Corbett" says, "Fords are diamonds out here." Another moving picture show tonight. More love, wild west, fun and nonsense.

May 14th. "Corbett" and I decide to hire an automobile and drive out to Sagar's chicken ranch. It is located at Sara, Washington, about 15 miles north of Vancouver or about 20 miles from Portland. It is raining hard, but what matter. We start about 1 o'clock and get out there at 3 p. m. We see the ranch. "Corbett" visits it while I remain in the car. It looks good. The house is small but cozy looking. Smoke is curling up from the chimney. It is surrounded by chicken houses almost as big as itself and by a wire or netting fence about six feet high. I can see a few small fruit trees and growing crops. It is in a small clearing with woods to the rear and left front. A canyon yawns to the side through which apparently flows a small creek. The house has a veranda in front and a tar paper roof. There are four other ranches in plain view, one practically across the way, another alongside to the east and two others to the west across the canyon. I am strongly impressed with the ranch. It is more than I expected and just what I want—a small, homelike place situated in one of the most delightful spots imaginable. In front are two great fir-trees standing like silent sentinels on guard. To the rear is a romantic looking wood with great fir trees protruding upwards here and there amongst the smaller ones. To the west is a clean sweep—in my imagination—to the Pacific. What a delightful place to live but a poor one to hide! I'll reserve judgment. "Corbett" returns. He walks like business. He has been all over the place thoroughly and describes it as "just the thing for you." I am reserved. I want to see others. We return to Portland, he full of enthusiasm, I determined to see others. Another moving picture show. More melodrama and nonsense. The people of Portland are just as crazy over moving pictures as New Yorkers. Ten cents for a night of entertainment is cheap but perhaps in another sense it may prove very expensive. What are these moving pictures doing to the minds of the American people? Are they improving or destroying them? They certainly are not improving them. We should be very careful about the moving pictures.

May 15th. We have received our Ford. I don't like it. It doesn't run right. It has a self-starter as a recommendation but that's all. "Corbett" however, says it is all right and he knows. We decide to visit another ranch at a place called Scapoose. A broker has recommended it. We start. It is still raining. Everything goes well until we reach the mountains and then trouble begins. The rain has made the roads slippery. We slide down hill and we cannot climb up hill. "Corbett"

The Ranch at Sara, Washington, Where the Arrest Was Made.

wants to turn back. I object. He loses his temper but I am determined to go ahead, so we agree to run the car off the road, abandon her and push on in the hope of reaching our ranch before dark. As is usual in such cases, we were misdirected. We were told the Winter's ranch was only a couple of miles further on. We left our car at six o'clock and walked four solid hours along a railroad track, the last two in darkness. I suffered severely. I thought my wound was bursting open, my feet became covered with blisters. I grew exhausted, my legs became heavy but I pushed on. "Corbett" was swearing but swearing couldn't help us here. We finally came to a small shack alongside the track from which emanated the sound of music. "Corbett" knocked at the door. A man who responded was asked where the Winter's ranch was and much to our surprise we were directed up a hill "through the woods, over a fence, and alongside the path that'll take you right to the door." We followed directions and landed at the passageway designated. The place was dark. Every one was asleep. A dog barked furiously inside. We knocked. A voice cried out, "Who's that?" "Corbett" explained that we were sent by a broker and the voice replied, "Wait a minute." We did. Soon a light appeared and shortly thereafter, a tall, thin man about sixty years of age in "night apparel' appeared at the door. We apologized for coming so late, explained the reason and soon we were sleeping in a real old fashioned western bed with ropes as springs and plenty of blankets. We slept promptly and soundly.

May 16th. Had breakfast. Looked over the ranch, twelve acres. It was a crude wild place and the owner wouldn't part with anything save the buildings and crops. He wanted $1,000. We said nothing, admired the surrounding country, the clear sky, the pure air, the water, got our breakfast, and left. We had the same walk back and after getting towed by a team for about a half mile we finally got started and by afternoon, were in Portland. I went to bed, my feet were fearfully blistered, but worse than that, I was stiff, sore and in the worst physical condition I ever felt in my life. It was a wild, useless trip and "Corbett" was right in protesting against it. It didn't do our "Rolls Royce" any good. It was covered with mud, in some places two inches deep. No moving pictures tonight for either of us.

May 17th. "Corbett" suggests that we buy the Sara ranch. I am cured of ranch hunting. "All right," I answer, "go ahead." I'm too ill to go, so "Corbett" goes. He brings along money enough to pay a deposit. We agree to buy at once, take title without search and stipulate that the Sagars must vacate when the title is secured. No time can be lost. It is Friday. Next Monday is the day set for my trial. I shall be marked "absent" and the wires of the country from Maine to Florida and from the Atlantic to the Pacific will burn. We must get on the ranch by Monday at the latest. That's the plan. "Corbett" sets out. I stay in Portland. "Corbett" doesn't know when he'll be back. I am glad enough to remain in my room. I must rest or I shall be unable to go anywhere.

I am alone in a strange city. My thoughts turn to home. My mind endeavors to pierce the 3,000 miles which separate me from my loved ones. I have an inclination to return and let my enemies crucify me. What difference does it make? I can sit mute as Casement did in London and let Britain's royal beast devour me. I have done nothing wrong. "Bull" never violated any law. I am innocent. They charged me with obstructing the draft. I never opposed the draft. On the contrary, I endorsed it as an emergency measure. Europe was armed to the teeth. So was Japan. We should have an army. These are and were my views. I stated them publicly. The government knew it, too. I was also charged with attempting to create mutiny in the army and navy. How ridiculous! I know how to create mutiny and could have done it easily had that been my purpose. There were boys in New York who would go to Hades for me. Mutiny was far from my mind. I merely wanted to protect my country.

I wanted Wilson to follow in the footsteps of Washington. Wilson was a democrat. I wanted him to follow Jefferson, founder of the Democratic party. I wanted England to free

Ireland. I warned my country of England. I opposed foreign loans because no American public official has any right to write the name of the American people to a check paying a billion dollars to England, France or any other foreign country. No such power is granted him anywhere in the Constitution of the United States. I wanted Americans to buy American wheat at as low a price as Britishers could purchase it in London. Is there anything wrong about such ambitions? Just where mutiny and obstruction of the draft exist in advocating such policies, I don't know. If a man looks askance these days he is a "traitor," a mob is instigated by the corrupt press, demagogues or professional patriots to hang him, or, some notoriety seeking District Attorney wants to send him to Atlanta* for twenty years. This is fine democracy. Even Liebknecht who actually organized and carried out a very serious riot in Germany in which many people were killed and injured, received only ten years from the much condemned German autocracy. In Ireland, Orangemen, like Sir Edward Carson were rewarded with cabinet offices for far more serious political offenses. In England "John Bull," a weekly magazine, said more about the British conduct of the war than "Bull" ever published about the British Empire. In Germany, Maximilian Harden, of whom we have read much in our press, had his paper suspended for a few days only, after which he was permitted to resume publication, although his utterances were far more radical than any I have ever given expression to. Those responsible for my persecution in Washington know these things well and so do the subsidized newspapers whose policy is "England first."

They also know that I never violated any law. It's a reign of terror and nothing else. It is Southern government with a vengeance. It's a real patriotic service to prevent a massacre of justice such as would occur were I to go on trial next Monday. A feeling of outrage and oppression that came over me every time I felt inclined to go to trial keeps me, perhaps, from returning because my practice and inclina-

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***Federal Prison.**

tions always have been to keep court engagements promptly and faithfully. Such are my thoughts as I sit here alone, listening to the roar of traffic below, the honking of automobiles, the grinding of trolley cars and the usual noises of a busy city. I have some books and am beginning to read. I eat no supper and go to sleep hungry, too weak to go downstairs for nourishment.

Gertrude Whalen O'Leary, Wife of Jeremiah A. O'Leary.

IV

LIFE ON A CHICKEN FARM.

May 18th. I feel a little better. I dress and go down to breakfast. I eat an orange, some cereal and drink a cup of coffee—my breakfast for the past fifteen years. "Corbett" gets back in the afternoon. He purchased the place, has the papers and has brought the elder "Sagar" in, leaving his son, "Willie," a cripple, at the ranch. He went to an employment agency and hired Sam Stine at $30 a month to cook and do the ranch work. "Willie" Sagar will get out on Monday, leaving on the Ridgefield stage or by our car. "Corbett" must return. Stine is waiting for him. He will return again Monday in the afternoon. He leaves again and I am left alone once more. I am still sore and very weak. My feet ache and my room becomes my home. I go out only for meals and eat very little. At about 8 o'clock I set out in search of a church. God's blessing doesn't hurt anybody but helps much. For two hours I tramp the streets looking for one and find none. Catholic churches seem scarce in Portland. I see what looks like one, but it is dark and the church is not the kind I am looking for. I am exhausted. I abandon the search and return to the hotel and to bed. I'll go to mass tomorrow. I'll follow the crowds. They'll take me to a Catholic church. They've done it before in strange cities. I'll ask no question, not now at any rate, it would be dangerous.

May 19th. I follow the crowd and find a church—a little wooden structure with no steeple. I enter, hear Mass, listen to a sermon, ask God's blessing on my family and my undertaking and leave, feeling better. I have the day to myself. I walk about a little, see Portland, pass Wilton Lackaye, the actor, who doesn't see me. Finally I retire to my room, think of home, wife and children, mother, father and loved ones, and go to bed.

May 20th. My trial day. I awake at 6 o'clock (9 o'clock in New York). I can't imagine I'm not going to court. All my inclinations are to get ready, but how am I to get there? Three thousand miles away! I want to telegraph and to tell them where I am and what my condition is. Any doctor would laugh now at the idea of my undergoing a six weeks' trial. He would scoff at any notion I could conduct it. I'd collapse in two days. All I want is a rest. Give me back my strength and I'll fight them to a standstill, despite the mad clamor of the press. I have faith in American juries. They can get two, three, perhaps six, scoundrels, but they can't get twelve. I've had fifteen years' experience with American juries and I know they are the finest, squarest and most just in all the world. They always gave me a square deal, but if I cannot stand on my feet, how can I pull through? They'll mistake my condition for guilt. The newspapers will distort and misrepresent everything. There's the rub. I'll go through with it. So I wait.

It's now seven o'clock. The jurors are assembling. The courtroom is pretty well crowded. Col. Felder, my new lawyer, is there. John, my devoted brother, is also there. Both, perhaps, expect me. They are talking. John hasn't seen me. He is puzzled, worried, frantic, perhaps. Earl Barnes, the District Attorney, is at his office preparing for the trial of his life. The witnesses are there; the office staff of the American Truth Society, of Bull Publishing Company, is present, the stage is set for a massacre of justice, and here I am in a room in a hotel in Portland, three thousand miles away, known as "Waters." What a strange drama! What a peculiar, fascinating experience! Truly only a war could create such a situation as this. It is now 7.30. The judge is on the bench. The gentlemen of the press are sharpening their pencils. Mr. Barnes, Col. Felder, members of my family and friends are on hand. The case of the United States of America vs. Jeremiah O'Leary and others is called. The clerk, in stentorian tone, calls, "Jeremiah A. O'Leary, Adolph Stern, Luther Bedford, Bull Publishing Company, to the bar."

O'Leary does not appear. Everyone looks around. Where's O'Leary? He isn't here. Then, silence, afterwards whispers, later Mr. Barnes makes a statement. The Judge forfeits O'Leary's bail. Twenty-five hundred dollars is gone. My wife is on the bond. She loses twenty-five hundred dollars. She also loses her husband. God help her! Because I have kept faith, suffering will now be her portion. By 2 P. M. "extras" are on the street. "Extra! Extra! O'Leary disappears!" shout the newsboys. Everybody snaps the paper. The wires of the country are now burning. The wireless stations radiate the message to the ships at sea, "Watch for O'Leary." Every port is now closely watched. The Mexican and Canadian borders are closed tight. The sleuths of the country are on the *qui vive*.

At three o'clock "Corbett" appears. I am ready. I pack my grip, pay for the room, $32.00 for eight days, and depart. We are now speeding towards the ranch. About 4.30, I arrive there dressed like a rancher with mackinaw, blue shirt and high-topped shoes. I am now "Jack Wells," from Southern California. I am introduced to Sam Stine, a tall, thin, sharp-featured man, of sixty-five, and very intelligent looking. He is cooking supper and going about his work very much like a country housewife. He looks neither to the right nor to the left. He stops, however, to shake hands, to give me a sharp look and says, "How do"? After which he returns to his very important duties. While Sam is cooking supper, I walk about the premises. The house has a large parlor, a big kitchen and two cosy bedrooms. The parlor contains an old couch, two rocking chairs, a table, stove, shelving and two stiff leg chairs. Pictures are on the walls, sea and farm scenes predominating. The furniture in my bedroom consists of a bed, bureau, washstand and chair. The bed is a light, iron affair, which "Corbett" and I shall occupy together. There is a window which opens in on a hinge and gives a good view of the West. The other bedroom is about the same. That's Sam's. The parlor has three windows. The kitchen is excellent. A tolerably good cooking stove, a table and a sink attract attention. A water faucet is attached to a barrel in a little room nearby. Windows are plentiful and judging by the roaring of the fire the stove is a good cooker.

Two steps to the rear of the kitchen is a fine shed for wood, a work bench and some tools. Between the two is a pump and a good platform running almost the full width of the house. This is an excellent place, more comfortable than many a shack used by city folks to spend a Summer on the shores of some lake. There are three large chicken houses in splendid condition, a small one and rabbit hutches. All the chickens are white Leghorns. The whole place is surrounded with a wire fence seven feet high. There are about eighty laying hens and ten roosters. They are in an enclosure by themselves. In a little fattening pen are about thirty roosters waiting for market. Another house is tenanted by about two hundred small chickens, varying in age from two to four months. About forty of the finest pullets I have ever seen are housed elsewhere on the premises. To the rear of the house of the little chicks, the incubator shed. There are three incubators, two or three brooders and about one hundred and fifty of the prettiest little chicks I ever saw, running about whistling and feeding. What beautiful rabbits! About fifty hares and the cutest young ones. Most of them are yellow in color, some are grey and white. Ten breeders are fine specimens. The remainder comprise young and growing ones. I always liked rabbits. These will interest me. I also was partial to all kinds of animals and fowl. Here are things to occupy my mind. I can now study nature at close range, a pleasure I've always longed for.

We feed the stock. Gee! What hungry things! They trample each other down. We give them mush, made up of ordinary bran, boiled potatoes, bone dust, a tonic, meat scraps, a very tempting diet—and they love it. We give them all they want. The smaller chicks get fine cracked corn and a little mush. They are hungrier than their elders. We collect the eggs and find about six dozen in the nests. They are selling at 35 cents. That's $2.15 I've earned today, but wait, a bag of bran costs $1.75; $3.00 represents 100 pounds of corn, or 75 pounds of chicken feed; and meat scraps and bone dust are also dear. Chicken food is very expensive now. They had better be careful and eat sparingly, because if they eat me out of my money, I'll eat one every day. Well, I have six hundred. It will take me six hundred days to eat them all. That's pretty good. Each one of these birds would cost me about $1.50 in an ordinary restaurant in New York. I certainly got a bargain in this place. The chickens are a good investment. I can turn their eggs into feed and at the same time I shall have fresh eggs. I can get all the potatoes I want here for fifty cents, delicious potatoes. Vegetables are plentiful. Surely, I won't go hungry.

Supper is ready. Sam is an excellent cook. We have three good steaks, potatoes, fine baking powder biscuits, butter, bread, eggs, custard and coffee, all cooked well. A good start. We lock up the chicks and sit in the parlor and talk. "Corbett," Sam and I. I am supposed to be an invalid.

Sam tells about himself. He was born in Germany—I can't seem to lose them—came to America with his father, a God-fearing man, as an infant. His family settled in Maine, just before the Civil War. I believe it. Sam is thoroughly Americanized. He grew up on a farm and became a woodsman, working on the farm in the spring and summer and in the woods in lumber camps during the winter, cutting down telegraph poles. He then went to Massachusetts, where he ran a big chicken ranch, the finest in New England. Subsequently he sought fortune in the West, went to Port Townsend, where he got a large tract of land from the Government—a homestead site—cleared it, built a fine house, got married, raised a little family of two and became a widower. Sam went back to lumbering; he sometimes acted as a nurse in St. Joseph's Hospital, Vancouver, and for twenty years he's been knocking around in search of the philosopher's stone. He tried out his luck in the Klondike, invested $5,000, lost $3,000 and just missed a sixty thousand dollar claim by a few feet. He has two boys in the Army now and is proud of them. Sam is a high-class man, a most interesting character. He reminds me of Cooper's Hawkeye in "The Last of the Mohicans." He is a man of the woods who loves the West. He knows every inch of the country. I listen to his stories in raptures. I certainly have spent the most pleasant evening since I left New York. Sam is a "find" and I must keep him at all cost, even if I have to give him the ranch. "Corbett" and I retire. Sam has a good ear, so we don't talk. We sleep.

May 21st. Six o'clock. "Breakfast," shouts Sam. I jump out of bed, get into my heavy shoes, shirt and overalls. Imagine it! They are new. I look like a regular rancher. If my wife could only see me now. She'd laugh. We have breakfast. Sam is now talking as he works, apologizing for the cooking. "Everything isn't very good this morning. The stove worked wrong." I praised the cooking, so did "Corbett." Sam was pleased. I go out. The sun is rising, the sky is clear, the dew is on the grass. The chickens are at the gate bidding us good morning and awaiting their breakfast. The birds are singing. I take in a deep breath of Western air. It stimulates me. I feel a little stronger. I love the place and am charmed with it. This is surely a most delightful spot and nature has given me on this beautiful morning a most delightful greeting. If my wife could only know. She must be stricken. How shall I get in touch with her? "Corbett" will soon return to New York. He'll tell her all and she'll be relieved. If I could only get one of my boys out here, or my little girl, Gertrude, I'd be the happiest man in the world. But no! I am "Jack Wells" now and "Jack Wells" I must remain until my country treats me justly, until the storms of passion are assuaged and reason is restored.

My clients! What will they say? The morning newspapers have been read. I suppose they printed my picture and under it "A fugitive from Justice." The first drama of the war is on. I am the first man of Irish blood to go down—the first sacrifice. I think of John Mitchell, of Wolfe Tone, of Robert Emmet and a score of others. They were "fugitives from justice" too. Wasn't John Mitchell, the grandfather of John Purroy Mitchel, friend of Woodrow Wilson's father, received in great acclaim in New York in 1854 when he landed there a fugitive from British "justice," having escaped from Van Dieman's Land? He was sentenced to fourteen years' penal servitude. He suffered. Why not I. In every land, in every age, men have suffered for ideals. I am no criminal. I abhor criminals, and yet here I am, hunted now by the nation I love and which I would cheerfully give my life to save. Well, let them find the "Irish agitator" now. If they do, I hope it will be at a time when my health is improved. Two months at this place will make me as strong as a lion. My nerves won't be normal but my body will be partially restored. We have strawberries that will soon be ripe. All kinds of vegetables are in good condition, there is enough to last a year. The various fruit trees, although small, are in bearing. I see apples, pears, plums, prunes, quinces, but no cherries or grapes. I explore the canyon and the woods. The canyon, with steep, grassy slopes, has a drop of about 100 feet in 200, or about one foot in every two. It affords fine grazing for cattle. We have about an acre of stumps, some are big, others small. We get our milk and butter from Mr. Williamson, a sandy-haired neighbor, whose home is within a stone's throw of mine. Williamson called this morning. He scrutinized me thoroughly. He talks with a drawl, but is very keen. He likes "Corbett" and gives him considerable time and attention. He can't talk much with me. I answer "yes" and "no" and volunteer nothing. I wish he'd discontinue his visits. He gets a Portland paper every day and that's discouraging. He devotes most of his conversation to the Sagars, the recent owners of this ranch. He speaks well of them. In a quiet way he is curious about me. I went to a chicken house to avoid him. He goes away as quietly as he comes and I leave the chicken house.

V

HOUSECLEANING.

"Corbett" goes to Portland for supplies. He returns with a load, principally chicken food, and the "Portland Oregonian." On the front page of the paper is a story stating that I failed to appear for trial in New York. I am called the "Irish agitator" and "Irish leader," etc., etc. That's the first report from the front. "Corbett" and I discuss it.

We are pleased with the small space given the matter by the "Oregonian." The West won't get excited over that; neither shall we.

May 22nd. I had a good sleep. Up again at six o'clock. I rest all day—watch the chickens and rabbits, stroll through the woods, do much thinking, and retire about nine o'clock.

May 23rd. Am still resting and following my usual routine. The meals are excellent. Sam is splendid. I am beginning to warm up to him a little.

May 24th. Nothing eventful. Still resting, eating heartily and getting stronger.

May 25th. Nothing of importance. I am in a world of no events. Nothing local to complain about, and little to boast of. I am breaking in a little in the feeding or the pulling of the grass and weeds for the rabbits, the mixing of mush for the fowl. "Corbett" and Sam have begun to work on several stumps which are in bad spots. I watch them and smoke. Sam is a great worker. He can dig, chop and use the pick and crowbar with wonderful skill. He is a lovable old man. He talks as he works, and is an encyclopedia on everything appertaining to ranching He is familiar with the history and habits of every animal, reptile and bird of the West. He loves work. I love to watch him and will soon be able to help him.

May 26th. Nothing occurred. "Corbett" made another trip to Vancouver and Portland. He exchanged a couple crates of eggs on the basis of thirty-five cents a dozen to a restaurant keeper at Vancouver for chicken food.

This is Sunday. We rest and enjoy the day. Towards evening the three of us take an automobile ride. We explore the country. "Corbett" drives.

May 27th. "Corbett" is beginning to talk about returning. I wish he could stay. We agree that he shall start back on Monday, June 3rd—one week from today. We plan ahead. We are still removing stumps. I take a hand at digging, but I am too weak and my wind is bad. My wound still lets me know it is there and I must be careful. We take out the beds, give them a thorough renovation, rip up the carpets and make the bedrooms sanitary. We paint the bedroom furniture a spotless white. "Corbett" paints the roof. The house is given a thorough cleaning for the second time. Sam still complains about the stove. He has now reached a point where he is cursing and swearing about it. He wants more pipe on the chimney and asks "Corbett" to fix it. "Corbett" ignores the request.

May 28th. Nothing eventful. Some of the small chickens in the brooders are dying. I examine them and find that they have little accumulations in their toes which stunt their growth and finally kill them. With a knife I remove the trouble from eight. In only two instances did I cut into the nail. Their toes got so deformed that the poor little things used to stand on their toes, which were curled under the bottom of their feet. How relieved they look as the balls are removed. They run and jump like children, and give other signs of delight.

The care of these little chicks requires skill. Their coops must be kept clean. I do that. The brooder, a circular contrivance with felt curtains and an oil lamp in the centre, takes the place of the warm feathers of old Mother Hen. It must be kept at a certain temperature. If too hot or cold, the chicks die. During the first four or five days I was here, two and sometimes three were found dead each morning. This past week not one has died. I have done some good anyway, conserved life, and find that I can keep chickens better than the Sagars, under whose care the death rate was great. I'll examine the entire outfit for vermin tomorrow. I have cleaned their coops thoroughly. Cleanliness is everything with chickens. Clean chickens thrive. Those covered with vermin get scrawny and are more subject to diseases. Chickens are a very interesting study. I am now doing the most important war work, according to Hoover. I am producing eggs and fowl, and shipping them to Seattle. I'm delighted with the work. I hope some of my eggs reach the boys "over there."

VI

LAMENTS DECAY OF VIRILE AMERICANISM.

I have always been with the boys. I want them to win. If the American soldier gets there he will beat Germany and win the war in a short time. Newspapers say he is getting there. I hope so. But, according to reports, he is not yet in the fighting. I can't believe the newspapers. Who can? If their asininity and distortion of facts and suppression of truth in the interests of England continue, the American people may soon become a nation of cynics, iconoclasts, atheists. In those moving picture shows at Portland everybody applauds. One starts it, the rest join in. They remind me of the chickens here, when one starts to cackle the whole lot soon joins in the chorus. Each person claps, then looks around to see if others are doing the same thing. If you don't applaud, you're suspected; if you do, you're a patriot, and so it goes. Folks who are sincere and deep don't clap their hands at mere twaddle. Those who are shallow, do. Genuine applause is good, but the superficial and insincere variety is bad; it is too much like the wind that changes daily; it blows one way today, another tomorrow.

Ranchers in this territory are growing wealthy. I went to Vancouver yesterday. On my way back I met a large motor truck, loaded with heifers. Two men were on the seat. One wore a broad-brimmed hat. He was smoking a big cigar and looked prosperous. He wore no coat. The other was a driver of the usual type. I was getting some gas as the vehicle passed. The garage owner remarked: "That man is rich. He made over $200,000.00 on this war. He was only an ordinary rancher when it started; now he's making money rapidly. He sells pigs and cattle—heifers and sheep. He's now on his way to Portland with a load. He sends four or five trucks a day loaded as heavily as the one you've seen and he's doing it for the last three years."

May 29th. Cleaning chicks all day—a dusty, disagreeable job. "Corbett" is digging out stumps with Sam. We are all busy.

May 30th. Decoration Day. Our flag is out. I give the heroes of '61 a thought. I recall Lincoln's Gettysburg address. "Government of the people, by the people, for the people shall not perish from the Earth." I hope not. Three of my uncles made the supreme sacrifice in the Civil War in defense of that principle. During the war of 1812, according to Matthew Carey's "Olive Branch"—a book published in 1819—the Tories of New England actually aided the British troops then waylaying our Northern frontier. They opposed the Gallatin War Loan, persecuted those who bought bonds, said harsh and unjust things about James Madison, ridiculed the war, demanded its cessation; their State legislatures passed mutinous resolutions, and raised "Ned" generally, but nothing happened. Madison was too good an American to destroy the right of free speech and of a free press. The cause was just and being right he knew right would ultimately triumph and it did. But now behold how the descendants of those Tories treat any man who would "boo" England. "Hang him," "Throw him into jail," "Away with him" are the shibboleths of their democracy. Now they're gunning for the man who follows the teachings of Jefferson and Madison and Lincoln. "Government of the people, by the people, for the people" is in danger! See Ireland! Has Ireland the Democracy England would give Germany? See Egypt, India, South Africa. Democracy! Wait and see the end.

Woe unto him who would demand the freedom of Ireland. He's a traitor. The Irish of America are now in France. They or their ancestors were driven from Ireland by British tyranny which they came here to avoid but which they are now called upon to save and to perpetuate. Who can deny this? Some day the truth will dawn on the American people. We must wait. "Time at last makes all things even," the poet says. Ireland has contributed largely to American greatness. How shall America reciprocate? Now is the time to compel England to guarantee Ireland's freedom. Were England to issue a proclamation to-morrow declaring Ireland free and independent, five hundred thousand of the best fighters on earth would spring to her side. What have they to die for now? Nothing but slavery. Would England risk her Empire to hold Ireland? It seems so. Does England hate Irishmen more than the Germans? It seems so.

This ranch is a fine place for reflection, it is quiet and peaceful where the singing birds, the sighing winds, the brilliant sun, the rippling brook, growing crops and the whole scheme of Nature proclaims that God's creatures should be free. Just why Americans should now turn against a man who has struggled for freedom puzzles me. American history and traditions do not justify it, but principles are obsolete, style counts more today than principle and with style goes power, wealth and all the vices which brought about the decay and final downfall of the Roman Empire.

"Princes and lords may flourish or may fade.
A breath can make them as a breath has made;
But a bold peasantry, their country's pride,
When once destroyed, can never be supplied."

A great many like to recite this verse of Goldsmith's, millions know it, but how many follow its warnings? I cannot help recalling the fact that the father of Woodrow Wilson and the kin of the Southern bureaucrats and Bourbons in Washington who have driven me from my loved ones were enemies of Lincoln and the boys in blue, whose memories we celebrate today. In the name of "Jack Wells," my alias, I salute you, Abraham Lincoln! In my office in New York is your death mask, one of my proudest possessions. A death mask of Grant—an original—a plaque of Washington, an original water color of Robert Emmet by Mulvaney, the Irishman who painted "Sheridan's Ride" and "Custer's Last Fight," masterpieces of their kind—are also on the wall. I went to much trouble to get them. I could not disregard the teachings and admonitions of these sterling Americans.

Well, old Sol has gone down, and I'm done celebrating for the nonce. I've paraded on many Decoration Days with the old Sixty-Ninth. One day I caught a runaway horse with a 12th Regiment officer hanging on his neck, almost in front of the reviewing stand on Riverside Drive, in New York, where Governor Hughes was reviewing the parade. The crowd cheered, but my name being "O'Leary," the incident was ignored by the press. I also saved a half dozen of our men who were marching with their backs to the plunging, frightened beast. The boys knew it and I was satisfied. One of them—"Dick" Allen is an officer in France now. He and the other boys who were on the left wing of the Company that day will remember. Those were good old days. I wish I were with the boys now. And yet, perhaps, I can do as much effective work here.

VII

THE AUTOCRAT OF THE BREAKFAST TABLE.

May 31st. Cleaning out chicken houses today. The chicks are beginning to look better, cleaner, healthier and stronger. "Corbett" had the car repaired. It is acting badly. We got "stuck" on that Ford contraption, but our losses on the car are offset by gains on the ranch.

Today we had our first real trouble. "Corbett" failed to get a few lengths for the chimney. We awoke to find Sam swearing and cursing the stove. He served breakfast. "Corbett" criticised the griddle cakes and told Sam that the eggs were "cooked too hard." "Corbett" again asked, "What's the matter this morning?" Sam lost his temper, and bolted for his bedroom. "I'm going away," he said; "I won't work here. I told you to fix that stove and you didn't. When I say a thing I mean it. Now, I am going to go." Explanations were useless. "Look and think" said I to "Corbett," "we are in a hole; you're going away Monday and I'll be here alone." I followed Sam and tried to reason with him. My efforts were futile. He was bent upon going. He dressed quickly. I offered to drive him to Portland. He spurned my offer. I asked him to finish his breakfast. He wouldn't. I urged him to wait for the stage and got "no" for an answer. I offered to increase his wages. He wanted no raise. I tendered him his salary to date. He refused to take it. I left $15 on his dresser. I scolded "Corbett" and called him careless and inconsiderate —but it didn't work. I told Sam we would soon be alone and could get along together. I was "all right," but "Corbett" owned the ranch and Sam wouldn't work for him. "Corbett" apologized, but Sam refused to be placated. He finally said that he would find work in the neighborhood. I told him to return if he couldn't and that I would stand by him. I gave "Corbett" a tongue lashing in his hearing but it had no effect upon Sam, who left with a cold "Good-bye." I accompanied him to the gate and finally said, "Well, Sam, won't you shake hands with me? We always got along well together. I want to wish you luck. You can never tell when we may meet again, and we might just as well part as friends." This touched him. He grasped my hand and his eye grew moist. Again I pressed him to take some money. "I didn't stay my month and I ain't entitled to any," he replied. "I ain't much on religion, but when I make a contract and break it, I ain't entitled to a cent." I finally told him that I was the boss and not "Corbett" and that it was I he was hurting, that I wanted him, and that I'd take care of "Corbett" in my own way. He hesitated for a moment. I then said, "Corbett will leave here Monday. Come back when he's gone." Sam would not promise and went away.

"There is a strong character," said I, returning much discouraged to the house. I was provoked at "Corbett." I liked Sam. He was a fine old man, a valuable aide for me. He was a father, brother and friend all in one. He taught me more about nature than I ever knew before. He knew all about the weeds, vegetation, reptiles, animals, trees, soil and peculiarities of the West, and I learned much from him. If a man attended the Agricultural School at Ann Arbor for a year he couldn't acquire more practical ranch knowledge than I received in two weeks from Sam. Besides, he was a good companion. He killed time for me. He knew I was interested and he talked to me. He told stories of bears, of mountain lions, talked about Oregon and Maine, wolf stories, anecdotes of the plains, the woods, boundary fights with neighbors, and arguments about the war; what a shame it is to lose him. I'd give anything to get him back. A free man is Sam, true and independent, as I would like America to be. Although a German, he is full of spirit. He was anxious that the United States win the war, but loathed the newspapers. He disliked being dubbed a "Hun" and a "Boche." He declared that calling names is not fighting and that the German-Americans were as good as other Americans. In a frank manly way he outlined his pre-war feelings to me, related insults he had received because his name was "Stine." The brave fellow stood his ground. I sympathized with him.

I told Sam that I didn't think England was a true friend of America, and related some history. I really think he thought he was converting me. He liked an open, honest, fair man. Twenty times he swore he'd die for the flag and pointed with pride at his boys who represented him. What more could America ask than this? Where in American history can a finer spirit be found? The German-Americans are in a very difficult position. What an outrage it is to assail them, when they are so willing to follow. We'll regret the torture meted out to them in these days of fanaticism; they will retaliate the persecution they are undergoing, and the insults heaped upon them are the fruits of British propaganda that countenances misinforming and misdirecting Americans.

"Well, Corbett," I remarked, "you have driven Sam away. You'll have to bring me another man, and be quick about it. Today is Friday. If you are going on Monday, you must hurry to Portland and bring me a man at any cost. I can't stay here alone. I haven't the strength, and I know very little about the business." It was now ten o'clock, and in a few minutes "Corbett" jumped into the flivver and was off.

I feed the stock, and at one o'clock I get dinner. I'm alone. What a different story now, with Sam away. I don't like solitude. The Irish temperament revels in pleasant company. I heard a step on the porch. There is Sam. I am overjoyed. Poor fellow, he is weak. "Give me some water quick," he said. I jumped to the pump. "Come, Sam, sit down and rest yourself. You're as welcome here as the flowers in May," I remark. I get him a cup of coffee. He tells me he has been walking every minute for the past four hours, that he went to every ranch within a radius of three miles and could get neither a job nor a meal. He is glad to get a drink of coffee, and I exacted a promise from him to wait until I prepare a meal for him. I am now working for Sam, and soon will have a good meal ready. He watches me intently and seems pleased.

I was delighted over Sam's return and told him so. I offered to put him up until he felt ready to return to Portland. He could regard himself as my guest and rest. He had been working hard and needed a vacation. I asked him as a favor to take the money I offered him before going away. I told him "Corbett" had gone to Portland for another man and would soon return. In a few minutes Sam became loquacious. He said, "I'll stay with you Jack until you say go." I shook hands with him and remarked, "I'll never say go, Sam. You can have a good home here. It will be as much yours as mine. We can get along together." He confessed he knew that, pulled off his coat and got into his working clothes. I wouldn't allow him to work and induced him to rest. He reluctantly yielded. Soon afterward "Corbett" returned with a man. I told him that Sam was back. He was glad, but disinclined to discuss the incident. He had some stove pipe and I put it up. Sam was right. The pipe settled all the trouble with the stove. Subsequently Sam cooked everything well, and his troubles were over. I sent the newcomer away after paying his expenses and compensating him for the time spent in coming here.

VIII

CLOUDS BEGIN TO GATHER.

"Corbett" brought back a paper which carried my picture on a prominent page. Detectives were looking for me. He also had a copy of a New York paper with more news. Government agents were investigating. They might just as well ask an Egyptian mummy as anybody in New York where I was, because when I left New York nobody except "Corbett" had any knowledge of my departure. If none knew, none could tell. Even my wife did not know of my change of plans. As for my relatives, they must worry with the rest and wait. I now realized that Lyons was "in for it" on his return and told him so. He said that he would be ready. "Don't worry about me," he remarked. "They'll never know your whereabouts from me." I wanted him to stay and get work in Portland in the ship-yard but he wouldn't listen to such a thing. "I must return" he said. "I am going back." "You can't resist them," I insisted. "I can resist anybody," he replied. I had different notions. My best judgment told me differently. But Lyons was headstrong. He was very restless. He had changed during the last two or three days. I disliked his restless spirit. No one could control him in such moods. I can see now how sometimes in emergencies it requires strong methods to control men where nerve, patience and courage are required. Lyons has no deep convictions, no ideals. He sympathizes with me. He knows I am just. To him I am an object of pity and nothing more. He can't bother with me any longer. I realize that now. Yet in my office he was a hard, faithful worker and I try to understand him.

June 2nd. Sunday. "Corbett" leaves for the East tomorrow. A day of rest is a day of reflection. Lyons' departure throws a picture on my mind radically different from my present environment. A picture of home. I'm beset with a thousand temptations to return. I cannot. I have cut my bridges behind me. Were I to step on a train I would be arrested. I can't go but I can think. I talk to "Corbett." I ask him to tell my wife that I am well and strong; that two weeks under the sun and in the air have given me much strength, not to worry; that the wealth of the soil is mine and that with old Sam I am happy here. I warn him, however, to keep my whereabouts a secret from her; to carry back nothing, to write no letter or leave any trace of the direction he came from. I cautioned him to discuss no objects of interest he might see on the way. I warned him and swore him to secrecy; not to tell John and urged that no one but himself must know in what part of the world I am. He promised.

"Corbett" looks well after his two weeks of rest. He has a good color and is strong. He lifted a hundred pound bag of bran yesterday and threw it about ten feet as though it was a rubber ball. He likes the country, but, like most men born and raised in New York, he would die here. Farm life to such people is a curiosity for a while. As long as it remains so they'll stay, but very soon it begins to bore them, and things of nature become monotonous as the city beckons them to return. I have had and shall have no such feelings. I am concerned about my family. If I could have them here I would ask for nothing else; I would be supremely happy. I am as anxious about them as they are about me. I want them as I know they want me. They'll hear from me but I won't hear from them. They are among friends while I am among strangers. They have some consolation. I have none except the great sacrifice I'm making for my convictions. That thought buoys me up and gives me hope and strength. I have done no wrong. I have struggled for the right as God has given me the light to see the right, and now I am engaged in a sacred undertaking; saving my country from the stigma of injustice. There are men seeking me with frothing mouths and frenzied passions. They would make themselves heroes at my expense. They offer $250 reward for information leading to my capture.

They would use the people as a posse to hunt down an Irish-American, true to the best that is in him. That's a big thing to fight against. If my family must suffer I hope they'll suffer bravely, that they'll hold up their heads, proud of the fact that they are of good old Irish stock that knows how to endure suffering and privation when the tyrant that drove them here has laid a heavy hand upon them again in a land where they thought injustice could not flourish.

June 3rd. Lyons left tonight. He arranged for transportation over the Southern route to New York on a train leaving at midnight. I give him $250. All I have left now is about six hundred dollars and $250 in liberty bonds. I drive him to Portland. We leave the ranch together about six o'clock. He bids Sam Stine good-bye, telling him, "I'll be back in about one month." Sam was glad to see him go. "Corbett" is rough. Sam wants to be treated "like a gentleman" and "wouldn't stay five minutes with anybody who didn't treat me that way." We drive out through the old gate. Sam opens it and lets us through, closing it again, as he waves good-bye. Lyons takes a last look at the ranch, and waves good-bye to our neighbor Williamson, the Seventh Day Adventist. We bumped over the rough lane which leads to the main road and soon we are on it, the old Ford spinning around its turns and over its ruts at about twenty miles an hour. The sun had just gone down but it is still shining on the top of Mount Hood whose snowy summit glistens brilliantly in the east about thirty-five miles away. This is the most exquisite part of the day. A cool breeze blows gently from the West and we forget the heat of the day. We are silent. We bump along and ride about seven or eight miles without a word. We reach the crest of the long grade at the bottom of which is Vancouver from which we can see the Columbia winding its way east and north; also Portland itself. At the suggestion of Lyons, I stop the car on the side of a wood and for a few moments we gaze on the two cities beneath us. Lyons breaks the silence and we begin to talk, speculating about what was happening in New York.

It is getting late and I am worried about the car which has been acting badly so I tell Lyons he had better start and that I'll drive him to Vancouver whence he can get a trolley car to Portland. He persuades me much against my will to drive to Portland itself which I do. We arrive in Portland and drive about to kill time. I leave Lyons about 10 o'clock. While waiting for him to get his tickets a man stands on the curb in front of the car and stares at me suspiciously. I may look like a suspicious character. I wear a cap such as a rancher who owns a Ford might have, also a khaki shirt. Otherwise there is nothing unusual about my attire. I smoke my pipe without any appearance of concern, but he continued to observe me. Maybe he thinks I might give him a ride. Lyons returns in about a half hour and the stranger seeing him ceases his unwelcome attention.

About 10 o'clock I took leave of Lyons. I shook hands and my last words to him were to tell my wife and family not to worry, that I'd be back soon. I started the old flivver and before long was sailing back to the ranch on two cylinders, two others having refused to function, much to my chagrin. On my way through East Portland I was almost arrested for speeding. Two policemen blocked my path but I dodged between them and continued on my way despite their shouts to stop. Imagine a Ford speeding on two cylinders! It was down grade and Fords can speed downward. A car trailing behind was caught and I was saved some very embarrassing moments, perhaps arrest. Had I stopped, I'd have been in a bad position because I had no means of identification, no card and perhaps they would have held me on suspicion of having purloined the automobile.

When I got to the bridge which spans the Columbia River at Vancouver I almost got heart failure. While buying a toll ticket, I was approached by five men, one of whom held a lantern up to my face. Two were uniformed policemen, one was a soldier and another the regular toll collector; the fifth wore civilian clothes. The man with the lamp scrutinized me carefully. Undaunted I asked unconcernedly, "What the matter, boys? Someone steal a car?" "No, we're just looking for someone" answered one. "Well, I hope you'll catch him," I replied, as I was told to "go ahead." "Good-night" said the man in civilian attire. "Good-night boys," I replied and was off on my two cylinders as fast as they could carry me. A very close shave, I thought as my old Ford sputtered and backfired until some soldiers on the sidewalk of Vancouver laughed and shouted, "sounds like a rapid fire gun, old pal." It seemed as thought the automobile was making every effort to attract the attention bestowed on me from all sides.

I passed through Vancouver and finally got to the foot of the last hill which leads to the ranch where I found Sam with Williamson, my neighbor, waiting with a lantern. Sam was worried. It was now almost 12 o'clock; I had been over two hours running about 12 miles, and twelve o'clock in the country seems like two in the morning. After much fussing and aided by Sam and Williamson who pushed while I worked the motor, I backed the car up the hill. While doing so, I almost ran over Sam. His yelling saved him for I stopped the car just in time to save him from being crushed under it. He had stepped off the road in his efforts and fell in the path of the wheel.

I couldn't sleep, thinking of home and of Lyons and worrying about him and his arrival in New York. I was now alone and must shift for myself. I felt it keenly. Sam might or might not stay. I had $600 left, my ranch, about six hundred chickens and hens, fifty rabbits, my Ford—the worst ever made—delicious strawberries ripening, fruit on the trees, crops in the ground, fairly well-equipped place for good wholesome food, a good healthy life, rest and plenty to do. My chief task involved the car which I was determined to get in running order if it took all summer. Thinking of home and what was going on there occupied my mind. I finally went to sleep.

June 4th. At six-thirty Sam announced "breakfast ready!" I got up, fed the chickens, ate my breakfast, fed the rabbits, smoked, helped Sam to pull up some stumps and resolved to move the chicken and rabbit houses over the side of the hill. They were in front of the house and spoiled the view. Improvements meant preoccupation. Williamson came around with the milk and talked for half an hour. He's very talkative. He wants me to go to his church and says the preacher is good. When told that I don't believe in churches, he broaches the matter from another angle—"it's a good chance to meet the folks around." I don't want to meet any "folks around." They're too friendly and entirely too anxious to meet me. I tell him, "I ain't stuck on meeting people. It's because I dislike people that I'm on the ranch." Sam doesn't like Williamson and agrees with me. He never asks Sam to go to church. Sam swears like a negro mule driver and Williamson doesn't. Sam anathemizes churches and priests and hates ministers worse. His religion is, "I never done any harm to no man and I don't like to go to church; churches are for sinners, and I don't like to associate with sinners." And Sam is no sinner. He works hard, cooks well and earns his money better than any female cook I ever met. Three desserts are pretty good for a cook and he has set them up frequently. Williamson went home about 8 o'clock. He likes to visit me. I don't blame him. He's alone. His family is away and I make his visits interesting. Sam is loquacious. He knows every inch of the Northwest and as a rancher towers above Williamson in experience and knowledge. In moments of anger or impatience, Sam's vocabulary is rich in adjectivial blasphemy, and his cursing is a model of brevity and clearness. He has no patience with "weasel words" or hypocrisy. He growls at Williamson and is unsparing in his contradiction of that churchman's assertions and contemptuous of his conclusions.

June 5th. I've been thinking of Lyons all day. He must be in San Francisco now. I envy him for one thing. Barring Havana, the best days I ever enjoyed were in San Francisco. I recall the week I spent there last January, the warm reception I received, the quiet dinner at the St. Francis Hotel, and the priests and others there. I recall Daniel O'Connell, an open hearted fellow and his beautiful home. He was out on bail, his case having been appealed, and awaiting the call to serve fourteen years in prison under the espionage law. What a shame! I recall Capt. Waters, John Henegan and many others, any of whom would be glad to hide me. Do they dream I am out here? Do they realize that I was enticed here by the wonderful sunny days I spent in their city where, in the midst of winter with the East snow-bound and perishing with the cold, I walked about the streets without an overcoat. I wish the folks East could feel the climate of the Pacific slope. Many of them would come here. I recall an automobile trip when Fathers Meagher and Doyle of New York drove me around the country. I suppose the government pack has been down there hunting me.

Moved a chicken house today. Sam is a good house mover. He knows how to run the rollers. He swears enough to move any brick building. He gives me orders after the manner of a regular foreman and gladly I obey. "Hold her!— — Hold her! Look out, the — — thing is going down the hill." Not on your life. She can never pass me except over my lifeless form. A good strong maple sapling did the work of a crowbar. The worst job was chasing the chickens into their new home. About one hundred and fifty of the worst imps alive gave us lots of trouble. We moved their house only a hundred feet away. They saw what we did and where it went, but that didn't matter. When evening came, they gathered on the site of the former house and huddled together. Poor things! It's terrible to have no home. They acted just like innocent little children whose home was destroyed. They gathered about its ruins. Where else could they go? Chickens are human after all. It made me think of the poor little children in Belgium and France. They must have huddled on the sites of their ruined homes as inconsolable as these chickens did on theirs. I finally got them to their old home in a new locality much against their will. Sam and I chased them and swore at them, used sticks, newspapers, yelled and ran; they showed some speed and indicated that they had no terminal facilities. They couldn't understand it, that's all. When darkness came, they'd run into the wire netting,—one actually hung itself, but I saved its life just in time. Another stunned itself as it ran pell mell into an outhouse. Even the rabbits seemed to enjoy the fun and chased them. After two hours of strenuous work during which we had to corner and catch most of them, we got them in and closed the slide for the night. Sam was exasperated and fatigued. "Never spent such a day," he said, "never!" Neither did I. I gave him mental as well as physical relief by stories about a young rooster I was watching the night before. Soon afterward he then began to tell me tales. Sam was content again.

While thus engaged, I heard the sound of footsteps outside. It was nine o'clock and bedtime. Who could be prowling about at this hour? Then came a knock. "Come in" I yelled like a real rancher. In response to my invitation a stalwart man about fifty years of age entered. My heart palpitated a little. What could be his mission here? "Good evening, gentlemen," he began. "I'm of the Red Cross for this district. I was wondering whether you'd help the boys." "Sure!" Sam had two boys in the army and he "dug down," and pulled up fifty cents. I told him to keep it and gave $5 to the stranger. "That's good" he said. I then handed him $2 more for Sam. "Seven dollars from one house is good" he chuckled. "How much did Williamson give?" asked Sam. "Fifty cents" replied the collector. "There, didn't I tell you," said Sam. "I told yer the kind of a man he is—Stingy as h——, and always talking about the Germans and the like." I came to Williamson's rescue with the remark, "perhaps he hasn't very much, Sam." A look of reproach settled over Sam's countenance. "He's got over a hundred acres here and he's pretty well fixed, but he don't care about the boys." "He has a boy in the army, Sam," I ventured and perhaps he feels he's given enough." "Well," broke in the collector as he handed each of us buttons and receipts for the money, "the people around here never give very much. Fifty cents or one dollar is as much as they can spare."

I saw at once that the collector was a German-American, so I decided to have some fun. "Are there many pro-Germans around here," I asked. "A few, but they're careful," he replied. "They ought to hang some of them," I remarked watching the collector closely. "Well, the people here are sensible," he explained. "How are the Boches getting along?" was my next question as I winked at Sam who disliked the word "Boche." "Well, they're doing well, it seems.* They're strong yet," he answered. "They ought to drive all these Germans out of the country. They're not loyal," I suggested. "We've got to be careful about them," was his response and with that he left. There was a typical German-American. He was doing patriotic war work and yet he dared not defend even his own people here. He allowed me to call the Germans "boches," and to recommend their deportation without protest or any show of disapproval. He undoubtedly thought that since my name was "Wells" I was of English extraction, and let me master him. When will the German-Americans develop moral courage enough to defend themselves so as to better protect themselves? A true American would resent the uncomplimentary allusions I made to the German soldiers, because all real Americans admire a man with convictions and the courage to defend them even though they differ from their own.

June 6th. I was treated to a pleasant and unexpected surprise today. A little boy about seven years of age called on me. He had blue eyes and a sweet dimpled face; walking up to me he said, "Say Mr. Wells can I see your rabbits?" "Sure." What wouldn't I have given if that was one of my boys, Robert or Gerald? I put my arm around him and asked "what's your name?" "'Joe' O'Leary" he answered. I almost fainted. "Joe O'Leary?" I gasped. "Sure, Joe, I'll show you the rabbits." Suiting the action to the words, I lifted the youngster on my shoulders and carried him into the rabbit house where I had some beauties. Flemish giants they were called, and many attractive young ones. I made a great fuss over Joe. What a strange coincidence! How small the world is and yet, I thought, how big the O'Leary clan is. I laughed and patted my little visitor as though he was one of my own boys. I'd have given Joe the ranch had he asked for it. He spent considerable time with me and the rabbits and seemed to enjoy our society. When he was about to go, I picked out a couple of dandy rabbits, got a box, and much to Joe's surprise presented him with a pair. "Joe" couldn't understand. He was overjoyed, but not half as much as I was to meet "Joe" O'Leary and have him walk in on me as suddenly as he did. "Joe" left happy, but I felt sad when he went away.

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*At this time the Germans were pushing forward at Chateau-Thierry.

"Joe" O'Leary's rabbits made me quite popular. To-day I was besieged by boys from ranches in the neighborhood and even distant points. "Won't you please give me a rabbit, Mr. Wells?" "Can't boys" I reply. "They are worth twenty cents a pound." "You gave Joe O'Leary a pair." "Oh! I just did that for Joe. I can't give any more away." Before darkness set in, I had sold twelve rabbits and counted about eight dollars for the advertising which "Joe" O'Leary gave me. I hated to sell rabbits to those boys. I felt reluctant to take their money. I was a boy myself and liked bunnies and here were these poor boys just as fond of rabbits as I used to be. In my heart I wanted them to have them. Giving them for nothing however, would have attracted too much attention, so I had to be hard on myself as well as the boys. However, I enjoyed the experience. Imagine it! A lawyer and editor, etc., etc., selling rabbits! I had lots of fun with them and enjoyed myself immensely. I wanted to get rid of the rabbits anyway. I might keep a pair, but fifty were too many, and I would rather sell them to the boys as pets at nominal prices than send them to the market to be killed. I turned all my growing rabbits loose. The ranch was surrounded by a wire fence which restricted their liberty. It occurred to me that they might just as well be free. I don't believe in keeping rabbits caged. They are as much entitled to freedom as human beings or cattle. If they get out, all right; if they don't well and good. I'll feel better seeing them about the place. Had I not presented those two to "Joe" O'Leary, I wouldn't have sold one. Generosity is frequently rewarded. It pays in business to give something away occasionally. I've learned something about business.

June 8th. The strawberries are ripe today and Sam advises picking. I went to a grocery store and got jars, rubbers, caps, sugar, and other supplies. Tomorrow Sam and I will commence canning. We finished moving all the chicken houses and tore down the rabbit hutches in front of the house thus leaving us a better view. What induced Sagar to place these buildings in front of his home would puzzle any one outside of a nursery. We removed them to the hill where the chickens can get a better run and more to eat. I accommodated four setting hens today, each with twelve eggs. They seemed glad to get an opportunity to show what good mothers they are. Five others less fortunate, I housed off and am feeding them only once a day. I'd like to set them on eggs but five are sufficient. I don't like incubators. I'd rather see an old mother hen clucking about. It's more interesting. I sold several rabbits again today. "Joe" O'Leary is certainly advertising my stock. Every boy now wants rabbits because "Joe" O'Leary has set the style.

IX

A STRANGER AMONG HIS OWN.

Joe's visit has inspired me to ask questions about my neighbors. On the hill to the west is a fine white house with a windmill and a painted roof, a splendid barn and well kept property, the only prosperous looking ranch house in this vicinity. Down the road towards Vancouver is another ranch with children about. It's a busy looking place. I sometimes hear the merry voices of children through the woods to the rear of the dwelling. I asked Williamson who owned the place, and to my astonishment he answers, "O'Leary." "What kind of a man is he?" I inquired, "He's an Irishman and a pretty good one, but they say he has no use for England. He has a big family and one of his children lives over there," indicating the busy-looking place up the road whence I've heard children's voices. "There are a great many O'Leary's around here," he continued. "More than you think," I soliloquized. I wonder what the O'Leary yonder would think if he knew another branch of the family is so near. That's another sting that hurts. I'd like to drop in and visit the O'Learys, but I cannot. They'd know my face. Perhaps they've seen my picture in the papers, and being interested in the name, would remember me more than men of different cognomens. Such is the fate of a fugitive from injustice. He has desires which he must suppress even in solitude.

While in Portland, I was anxious to call on a cousin, Daniel Buckley. His son was a student in Columbia University*, when the war broke out. I met him several times there. I also met his grandfather, Michael Buckley, in Glens Falls. Mr. Buckley was a fine, stalwart Irishman who settled in Minnesota years ago, cleared eighty acres, raised a splendid family, which is now doing its share building up the golden west. During my stay in Portland, I walked past my cousin's house twice and looked in hoping to see their faces. I felt like Tennyson's Enoch Arden who came home from sea after a departure of years, and peeped through the windows of his home to find his wife—who thought him dead—happy with another husband and children playing about her. Like him, I had to go away from my own kin, although I know they would have given much to see me. Such is the irony of fate. Such are war's heartaches, tragedies and romances. With the O'Leary tribe all about me here, I must masquerade under the "nom de plume" of an Englishman. Well, I'll try and be a better Englishman than many of my acquaintances. I'll make "Jack" Wells represent the spirit of '76 as many a good Wells did during the American Revolution.

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*New York.

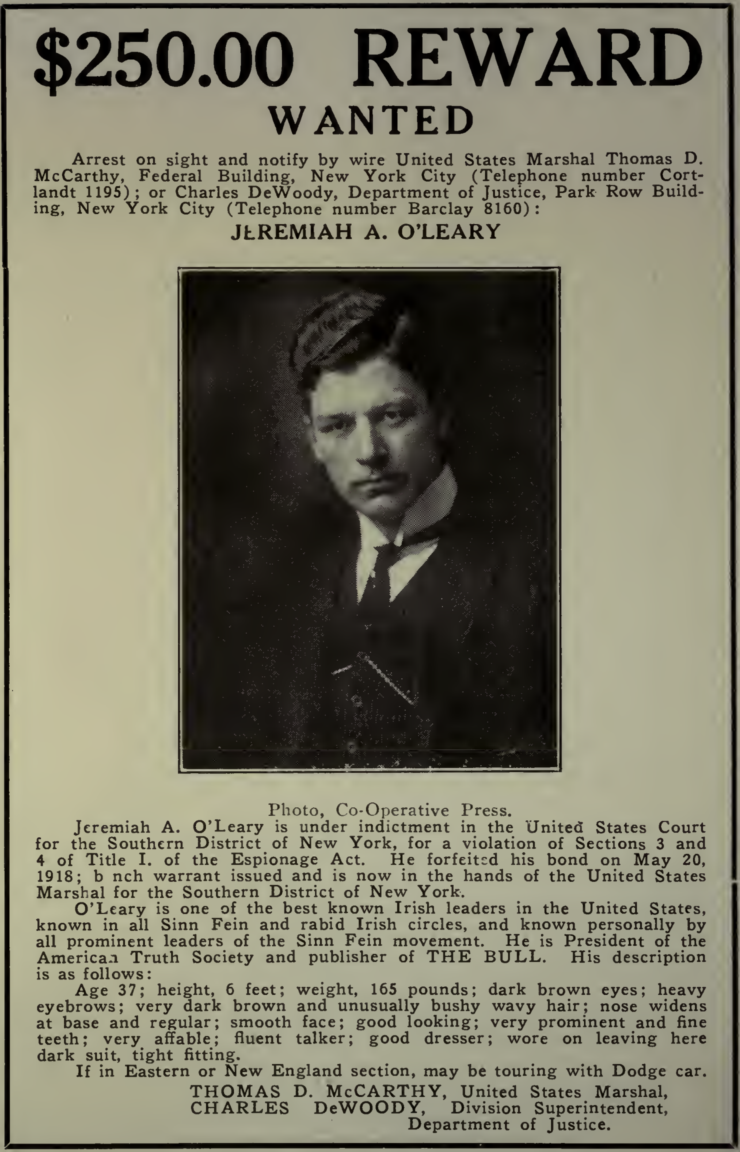
June 9th. Sunday. Another day of rest and thoughts of home. Sam and I rested, smoked and talked. We agreed to go to Vancouver for a ride towards evening. I worked on the car yesterday endeavoring to make some needed repairs.

I'm thinking of Lyons and wondering where he is. He should be near home now. What will he do when he gets there? Something tells me he'll tell where I am. They are rough in New York and will break him down. The sympathy of Southern politicians and federal office holders are with everything real Americans oppose and "evil communications corrupt good manners." Sam and I drive to Vancouver. The car runs well for the first time. We take our usual grand stand seat in the Ford by the curb and watch the crowds. We return about 10 o'clock, stop at the crossroads and get a drink of soda, I buy some candy to give "Joe" O'Leary if he calls again. I borrow a newspaper and start back. Sam and I read about half an hour, and then go to bed. "O'Leary indicted for treason," was one of the feature news items which the newspaper carried. Pleasant! Indicted with seven others! Who are they? The article doesn't say, but it asserts that the whole country is looking for me. I take the paper to my bedroom and reflect. What have they framed up now? Treason! That's an ugly word. It can't be true. It means death. But wait. I jumped my bail and they are taking advantage of my position to make me infamous. Elsewhere I see that DeValera and the Sinn Fein Leaders in Ireland are arrested and that Lloyd George said in Parliament that evidence of a "German Plot" has been furnished to the British Government by "a friendly foreign power." The whole thing is now clear to me. My indictment for treason in America is England's excuse or justification for the arrest of the leaders in Ireland. Very clever! But it won't succeed. There is no "German plot." There never was any. I couldn't be a party to a German plot if I tried to, nor could I say a word or lift a hand against the United States, a country I love and would die for. Never! What is best for me to do? Go back and face my accusers? Am I powerful, rich, healthy and strong enough to do it? Is there any justice left in New York to give me a square deal? Have they dared to go so far as to charge a man of Irish blood with treason to gratify England and to attempt to destroy the affection the people of America hold and have ever held for dear old Ireland? It seems so. What fools they are! They can't succeed. Truth will triumph and Ireland will triumph over them all. Such are my thoughts as I go to sleep after asking God for strength and guidance. God help my family now! They'll be persecuted to death by poisoned tongues, patriots for revenue only, hypocrites, liars and idiots. These are dark and evil days—the blackest and most menacing America has yet known. The press is the black cat among us. It has deceived the big-hearted, credulous American people until they are willing to believe that a man of Irish blood could be false to America. The corruption of the press is one of the worst legacies which the war will leave us.

June 10th. Picked over a hundred quarts of fine, big, ripe strawberries, and Sam preserved them. Sam and I also changed some of our wire fences about. Planting posts and stretching wire was a hard task for me. My hands are blistered. We did a good job. I sold more rabbits and took 48 dozen eggs to market where they brought thirty-five cents a dozen. The money was used to purchase feed for the chickens.

June 11th. Picked more strawberries. Sam canned them. Sam is a wonderful cook. Today I found some old lamp burners covered with verdigris and black with age. I was going to destroy them but Sam told me that they were as good as new. He had beans on the stove boiling. He drew off the water, put the burners in it and about five minutes they were as bright as new. I was astonished. Sam explained that bean water was so poisonous that it ate all the tarnish off brass. Poison in harmless beans! Who'd ever think of such a thing? I learned how to set and file saws today. Our supply of wood is getting low and we must chop and cut some. Sam examined my work and pronounced it excellent, much to my delight. We have about ten large and small saws of all kinds and types on the place. Sam wants me to put them in shape. We have made many improvements on the ranch, every one of which makes it easier to manage. Soon it will be the model ranch of this section. I have dreams of buying some more land and becoming a real rancher, a real westerner. Sam, Williamson and myself took a drive tonight. The old car went bad again. An auto full of men followed us and I'm puzzled. We stopped and they drove up a side road. Their lights went out. Later, I heard a car behind us. They were following us without lights—very suspicious circumstance.

A very strange thing happened at supper tonight, Williamson came in, sat down, handed me a copy of the Portland "Journal" with my picture on the front page. I thought I'd die. "I thought you might like to read, Jack," he muttered. Did Williamson know me? I took the paper, looked at my own picture, and remarked,—"That fellow O'Leary they're looking for must be in the States somewhere." "No," said Williamson, "he went to Mexico." This reply gave me reason to believe that my caller hadn't identified me. Sam was sitting there, eating silently. I turned the paper over, went into my bedroom, hid the outside page under my pillow, came out with the rest and put it on the table. I then asked Williamson to come outside to help me with the car. The pack must be closing in when a rancher in Washington will present you with your picture at your own table, while the whole country is looking for you. I am troubled tonight. I feel that something is wrong. Lyons is home by this time. Has he been arrested? Has he told all he knows? These are the musings that trouble me most and yet I sleep.



$250.00 REWARD

WANTED

Arrest on sight and notify by wire United States Marshal Thomas D. McCarthy, Federal Building, New York City (Telephone number Cortlandt 1195); or Charles DeWoody, Department of Justice, Park Row Building, New York City (Telephone number Barclay 8160):

JEREMIAH A. O'LEARY

Photo, Co-Operative Press.

Jeremiah A. O'Leary is under indictment in the United States Court for the Southern District of New York, for a violation of Sections 3 and 4 of Title I. of the Espionage Act. He forfeited his bond on May 20, 1918; bench warrant issued and is now in the hands of the United States Marshal for the Southern District of New York.

O'Leary is one of the best known Irish leaders in the United States, known in all Sinn Fein and rabid Irish circles, and known personally by all prominent leaders of the Sinn Fein movement. He is President of the American Truth Society and publisher of THE BULL. His description is as follows:

Age 37; height, 6 feet; weight, 165 pounds; dark brown eyes; heavy eyebrows; very dark brown and unusually bushy wavy hair; nose widens at base and regular; smooth face; good looking; very prominent and fine teeth; very affable; fluent talker; good dresser; wore on leaving here dark suit, tight fitting.

If in Eastern or New England section, may be touring with Dodge car.

THOMAS D. McCARTHY, United States Marshal,
CHARLES DeWOODY, Division Superintendent,
Department of Justice.

The poster circulated by the Government offering a reward for O'Leary's capture. Thousands of these were circulated all over the United States and Canada.

X

BETRAYED AND ARRESTED.

June 12th. Everything is running smoothly except my Ford Car. Yesterday I started off with a load of Sutner's strawberries for Ridgefield and broke down at the crossroads. The elder O'Leary came along in his car and offered to help me. He's a typical O'Leary, thin and wiry and ought to live forever. I was embarrassed by his offer and declined it with thanks. He sped away without recognizing me.

About ten o'clock, I decide to go down the main road for some rabbit weed. I throw several bags in the car and endeavor to start it. It won't budge. Finally I start it but it won't run on all cylinders. It has a distinct knock in the engine and I decide to examine the bearings. The knock is low down and must be in the bearings. Getting my tools, I go under the car after first drawing off the oil. I am working there about one hour when I hear the low rumbling of an automobile coming down the road to my ranch. No automobile except mine has ever come down that route. I know why it's coming. Lyons has told where I am. I wait with my hand on the bearing. The auto, a fine looking Franklin, stops in front of my gate. Two men get out. West, the Rural Free Delivery man is one; the other, a husky detective. His trousers are carefully creased. His shoes are polished. He wears an old coat, a poor disguise, and a soft hat. I can see a diamond ring on his finger. He doesn't see me under the car. He is looking around as he walks towards the house. The car is standing alongside the house and West and the detective are upon it before they see me. West sees me first. Then the detective spies me under the old Ford. "There is Jack Wells," West says to his companion impulsively. Then addressing me, West observed: "I've come around, Mr. Wells, for my stove," "Oh, yes, you did," I soliloquized. "Stove forsooth; you came to point me out." The detective squatted down at my head and began to talk. "What's the matter, Jack?" he asked. "Oh a little trouble with the bearings," I replied. "Do you suppose you could put up a couple of us for dinner?" he asked. "I can accomodate two or three," I answered. Sam was inside canning strawberries, apparently oblivious to what was going on outside. My jack knife was lying alongside the car. The detective picked it up saying, "That's a good knife." I made no answer. Another fellow then came in and the detective who was sitting on his haunches, watching me work said, "This is my chauffeur, he's a good mechanic." Addressing the chauffeur, he said; "Jump in there, Hudson, and see if you can help him. See what's the matter." Hudson stooped and took a good look at my face. He then got under the cylinder and I pulled down the connecting rod with the result that he got a few spoonsful of black carboned oil in the face for his pains. He retreated and gave the detective a significant look and immediately two shots were fired near my head. "What are you shooting at?" I inquired with no indication of perturbation. "Oh, I am just trying out the gun," said he. "You want to be careful, you might frighten some of our chickens here," I answered. "Well, Jerry," he said, "You might just as well come out from under the car." Without a word I pulled myself out and immediately the detective grabbed my two wrists and handcuffed them together.

In the meantime and before I had got from under the car, about ten or twelve men, each holding a revolver came up from different directions. They had surrounded the ranch. "Is he dead?" inquired one when he came and while I was lying under the car. The detective replied, "No, he's all right."

When I got out from under the car, the same man laughingly remarked, to Jones, who fired the shots, "I thought he was dead when I saw him lying under there, I thought you killed him."

The men surrounding me looked funny, indeed. They were pale and puffing badly. I was neither frightened nor nervous. I understood the situation. I didn't care then what happened to me. If they shot me there I'd have laughed at them. Turning to the excited mob around me I asked, "What's the matter boys, you look scared?" They made no reply but looked at each other. They seemed weighted with official responsibility and orders; that they had been running rapidly was evident from their heavy breathing and the sweat which trickled down their faces. The excitement and suspense had made them pale.

I am now under arrest and handcuffed. The drama or tragedy which ever it shall be, begins. I've had some fun, a few weeks' rest under God's sunlight and feel much improved. Now to New York to face my enemies and those of America, I want to go. I have no fear whatever. Why should I? I have done nothing wrong. I was dressed in a blue shirt, blue overalls and high top shoes. My face was dirty, my hands were smeared with auto grease and black grit—a pretty picture for people to see. The first impulse of my captors was to take me along with them in this garb, I asked permission to wash my hands. "Surely you are not going to take me into a civilized place looking like this," I said. In the meantime they had rummaged the house. I couldn't find Sam and didn't know where he was. Later, I learned that he went out on the front porch and had fainted. Subsequently I saw one of the men carrying water to him. Poor fellow! I felt sorry for him. My request to wash my hands was granted. I thanked the detective who came in—Ralph Jones, a fine Western type. Jones was calm, cool and good natured, a good fellow in every sense. I then said; "Now boys, let us understand each other. You need have no fear of me; I'll go with you gladly and to New York cheerfully. All I ask is that you treat me properly and I'll reciprocate. I have nothing to fear. I am no criminal." The men were going around with revolvers in their hands, as though expecting an attack from some quarter. They were laboring under strain and excitement. If I moved a muscle they would have shot me.

After I finished washing my hands, I asked permission to change my clothes. Jones held a whispered conversation about this request with his companions and finally said; "We'll let you change your clothes and take along one bag if you wish, but you must be quick and you must not move when I take the handcuffs off you." "Anything you ask will be done," was the only comment I made.

I was taken into my bed-room. One man, revolver in hand, stood outside the window, another at the bedroom door, a third inside, each with a loaded revolver. Jones whom I was beginning to like became my valet for the time being. He said, "I am going to take off the cuffs. Don't move from your tracks or we shall drop you. Ask for what clothes you want, tell me where they are and I'll get them for you." He then removed the handcuffs. I cast off my ranch garb and dressed in the same suit I wore on my journey West. Jones helped me in a very kindly way. When the disrobing was completed he called the attention of one of his companions to me saying; "There is the operation scar; there is nothing to that man, he's weak yet. He has no flesh on him. It was a joke to tell us that he'd put up a fight." Turning to me he said; "O'Leary, we can see and understand you. We were misinformed about you. We'll treat you as a gentleman, we don't kill people out here unless they deserve it, we won't bring you to Portland in those old clothes." I thanked him and assured him of my deep appreciation of his courtesy. Then followed a scene I'll never forget. Sam was brought in, in response to a request to see me. With pale face and trembling voice he asked, "Jack, what does all this mean?" Placing my hand on his shoulder, I said, "Sam, I am no criminal. I have done no wrong. I have committed neither murder nor larceny. My name is Jeremiah O'Leary. I'm a New Yorker, I came here to escape people who were persecuting me; to get rest." Sam's face brightened. He grasped my hand as though to crush it, and asked; "Are you Jeremiah O'Leary, the editor of "Bull." I said, "yes," and he replied. "Mr. O'Leary, I know all about you. I've read many of your writings—all I could get hold of. Good heavens! Had I known you were Jeremiah O'Leary, I'd have hidden you here. I'd have taken you where no man could find you. I consider it an honor, to shake you by the hand." He then broke down and cried like a baby. I tried to comfort him saying, "Don't worry, Sam. I'll be all right. I have done no wrong. I'll see you again. Thanks, Sam for all your kindnesses." Here's some money (I handed him about fifty dollars). Run the ranch yourself. Sell anything and buy anything you think proper and when I get back to the Tombs* I'll write you." I asked him to send my wife about 25 qts. of the strawberries he had preserved and gave him her address. I threw a few odds and ends into my grip and, handcuffed to Jones, left the ranch. Over in Sutners a group of berry pickers had assembled. They were puzzled. With my unshackled hand, I waved them a good bye. They replied in kind. I took a last look at the ranch—the chickens—the whole scene as I was bumped away over the lane which led up about a third of a mile to the main road. I was in a happy mood and talked to the detectives—four of them and the driver all squeezed in—I, between. We soon hit the main road and were speeding over fifty miles an hour to Portland. I took a last look at everything, Mt. Hood particularly, in the distance, with its smiling top and to the west the beautiful wooded country with the Scapoose Mountains in the distance.

Arriving in Portland I am brought to the office of the Department of Justice and handcuffed to a heavy bag containing a heavy weight for safe keeping. Later I am permitted to go to a barber shop, to get shaved, and then, to lunch. Subsequently I go for a walk with two handcuffs on me, one on each wrist, and each attached to a chain which runs through the sleeves of my coat and around my neck. I don't mind them. When they ask me in the office of the Department of Justice, if I care about them, I reply in the negative, and inspired by the thought of the Nazarene who suffered on Calvary, I accept my cross with patience. I'm not worried. I am rather happy knowing that I shall soon see the faces of my loved ones. Ralph Jones, and "Russ" Bryan, another detective and a fine fellow, took me to the Portland Park where we sat on a bench and enjoyed the refreshing breeze. Later, we went to Jones' room in his hotel. They were apparently awaiting instructions from Washington. Telegrams were passing back and forth. I was finally brought before United States Attorney Haney, a very fine gentleman who interrogated me for an hour. His questions were fair. He was anxious to know if any Portlanders had anything to do with my presence here. I gave him my word of honor that no one in Portland knew I was here. I briefly stated my position and explained the reasons why I sent President Wilson the famous telegram in the 1916 campaign. He expressed the opinion that the Irish question should be laid aside until after the war. I answered by pointing out the tremendous advantage of settling it now. He said some nice things to make a very favorable impression on me. He certainly took no advantage of me, and I was proud of him because he was an Irish-American and I was glad to see that he was not the kind of prosecutor who would degrade his office and his manhood by unfair or unprofessional methods.

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*City Prison of New York.

I spent the night in the Portland jail. At the detectives' request I registered as Jeremiah Moynihan. They didn't want anybody to know that I was under arrest. Instead of being taken to a cell where I expected to go, I was given a private room and spent my first night in jail with a young man who had deserted his wife. He was very friendly. We talked for three hours. I told him I was a lawyer, listened to his story and advised him what to do. I learned much about Mexico and Southern California from him.

June 13th. I slept well the first night I ever spent in jail. The other prisoners made a lot of noise. They were very unruly. The night keeper told me they would probably haze me if he had placed me amongst them. They have what is called "Kangaroo Court" in Western prisons. The chief purpose of the "Court" is to get the newcomer's spare cash and God help any unfortunate who conceals it. They inflict all sorts of torments on him. I don't know whether I am sorry for being spared the horrors of the "Kangaroo Court" I had no money at all and the experience might have benefited me.

XI

HOMEWARD BOUND.

Jones and Bryan call at 8 o'clock. Handcuffs again. Breakfast being over I'm informed that I'm going to start for New York over the Chicago, Milwaukee and St. Paul Railroad. I'm delighted. I have never traveled the northern route and I await the trip with great interest and expectancy. We spend the day at the headquarters of the Department of Justice where I am regarded in the nature of a curiosity. Later, we go for a stroll through the park, and at six o'clock I am on a train ready to start New Yorkward. I've been asked about Lyons. I say nothing but I have heard enough to convince the most incredulous that Lyons disclosed my whereabouts to the Government. I go to sleep in peace.

June 14th. Spokane. A peculiar looking city. They tell me it's very pro-English. God forgive it! I lose my bag in the Spokane station. Jones telegraphs back for it and asks the police to hold it and forward it to Portland. Butte by nightfall. Ralph Jones says; "If the boys of Montana knew you were on this train, they'd be here to meet you. Butte has a large Irish population." I felt a desire to see the men of Butte, but I am under arrest and I cannot gratify my wish. Montana looks wild. The lands seem devoted principally to pasture.

The state has a sentimental interest for me. Thomas Francis Meagher who was condemned to death by a British Court, and who later became a hero of the Civil War, was Governor of Montana and was drowned in a very mysterious manner, not far from where this is written.

June 15th. Reaching South Dakota, we were joined at Aberdeen by Charles DeWoody, head of the New York Department of Justice. He was glad to see me and described the condition of my wife as very serious. He was very mysterious but fair.

We breakfasted together. They said an Aberdeen paper contained a report that I was coming East on this train. The Western men censured DeWoody and DeWoody blamed the Westerners. The secret was out, but it was only a rumor. South Dakota is more of an agricultural state than Montana. I am interested in this country and think well of the Non-Partisan League as I pass through. I am proud to traverse a state where the farmers and other enterprising citizens have cast loose from corrupt politics and politicians. We need such men and such policies in the East where men are in the strong grip of selfish and cunning politicians, who would sell their brothers for a job. America has certainly a large crop of crafty politicians. If our politicians were only statesmen, the United States would get somewhere. With few exceptions our politicians are woefully deficient in independence and the ability to analyze anything except the best way to get votes and offices. With this in view, they set about to fool the electorate shamefully. What do they care? Once elected, they can hold office for two, three or four years. After that the people can whistle jigs to milestones.

We played cards today. DeWoody, Jones, Bryan, and Hudson, a quiet young man of the Portland Secret Service who is accompanying us East had hands. The Westerners are delighted with the trip. Neither of them has ever seen New York and I think they're grateful to me for giving them this opportunity. I spend much time telling them all about it. I map out an itinerary for them and they write it in their notebooks. Hudson is in charge of the party. He is keeping track of all the expenditures and explaining the law as to allowances. The government is very stingy in the matter of travelling allowances for its detectives. They are allowed 65 cents for breakfast, a dollar for other meals and 25 cents for "tips." Even the government recognizes "tips." I'm glad they recognize something because I often imagine that the bureaucrats at Washington are not human at all. I learn a whole lot about the inside workings of the Secret Service in transit. The Bryans, Jones and Hudsons have a human side and when they get hold of a good fellow—as I always try to be—they are good fellows too. I have been far from well the last two days and Jones is much concerned about me. He wants to know if he can't do something to help me.

A funny thing happened last night. We are traveling in a stateroom. DeWoody has a section outside with Hudson. Jones and Bryan are with me. I sleep in the top bunk and Jones underneath. Bryan has one in the side. Each night Jones puts a patent lock on the door so that it can't be opened from the inside. He holds the key. They are taking no chances with me. Both fell asleep and Jones is a heavy sleeper. I hung my trousers on a hook alongside my bunk. In my hip pocket was a box of tobacco. During the night being unable to sleep, I reached for my tobacco box in the dark. The train was travelling at a rapid pace and making night hideous with noise. From my pocket, I pulled what I thought was my tobacco box. Judge to my surprise when I found that it was a holster with an automatic revolver. "Russ" Bryan had hung his trousers over mine. I glanced at the revolver, and laughed as I saw the two detectives asleep. What a criminal would have done then and there to effect his escape isn't hard to imagine. I put the revolver back in Bryan's pocket and went to sleep. With it I could have mastered both, secured the Jones' revolver, escaped at the next station unknown to any one until morning, when I would have had a good start. Were I as bad as the English-controlled newspapers have painted me, I would have done it. I don't know what they're going to do with me when I reach New York. Like Byron, "I've a heart for any fate," one thing is certain, I'll fight. I have numberless friends. Their lips may be sealed now, but they will remain true to me.

June 16th. I told Bryan about the revolver incident referred to. He turned pale. Jones looked surprised. But I told "Russ" he could give me a hundred revolvers and have no fear. I pledged my word to practice the square deal with them and nothing could induce me to break that promise. We play cards, swap stories and pass a pleasant day. I'm still sick and "Ralf" Jones takes care of my likes and wishes. He has a good heart and I like him. DeWoody isn't a bad fellow. He has work to do, but he treats me with courtesy and kindness. I tell Bryan all about the Sinn Fein movement, disillusion him about many things, and show him how our work has been misrepresented by the corrupt press everywhere. DeWoody is taking an advantage of me. He wants me to talk but it is useless. He knows there is no plot. I can see that he is obeying orders, and I know he doesn't like his job. He is sympathetic, particularly for my wife.

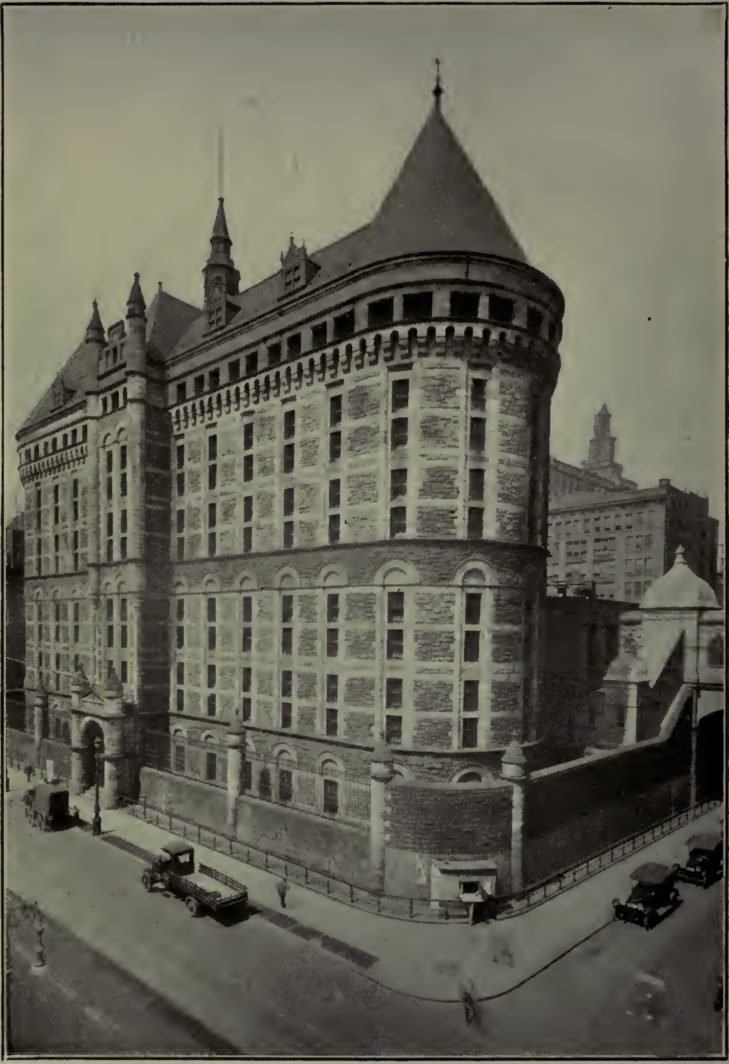
We roll into Minneapolis and St. Paul about 6 o'clock. I see here at a glance the influence of the East. The Twin Cities have such a metropolitan and cosmopolitan appearance. I never spoke here in my travels; much to my regret. We get out, walk about the station, take in a few breaths of pure air, smoke, comment on things and people, and when the time comes jump aboard and sink into our seats for another long run. We'll be in Chicago, the place made famous and made over by Mrs. O'Leary's cow, tomorrow morning. It was in Chicago that I gave Dr. David Lloyd Jenkins Jones, a patriarch preacher much concern one beautiful April Sunday afternoon by telling the naked truth to about fifteen thousand people in the Coliseum. Chicago is the home of Thompson, the Mayor, the New Englander who can't be browbeaten or bullied by anybody. He stands for America first and only. So do I, and "a fellow feeling makes us wondrous kind."

June 17th. "Chicago," cries the trainman, and out we get, I am handcuffed to my old friend Jones' satchel. After waiting a short time for the Chicago Secret Service men, one appears and we are treated to a nice auto ride in a fine car driven by a pretty chauffeur with black eyes, black rolling hat and leather gauntlets. We are going to take the Manhattan Limited over the Pennsylvania, home. It leaves at 12:40. We are there. Under arrest I bid Chicago au revoir but not goodbye.

XII

IN NEW YORK AGAIN.

June 18th. Home. Just six weeks away. We get out at the Manhattan transfer, New York knows I am coming. A reporter for the "New York American" is the first to greet me. "May I take your picture?" he asks. "Won't you make a statement?". He persisted. "No," was my answer. We take a down town train, but it is crowded. I am handcuffed but the reporter for the "American" does something contemptible. He tells the passengers on the train. "That's O'Leary," and they gawk and stare. I am self-possessed. The reporter wants to set a crowd on me to scare me with a view, no doubt, to see how it affects me. His scheme fails. I smile and receive smiles in return. Crowds are all right. I arrived at the Hudson Terminal, met by moving picture cameras grinding away at my face. I walk to 21 Park Row, Mr. DeWoody's office. The place is crowded with newspaper men and Secret Service operators. They seem cheerful and happy. "O'Leary is back." It's a big thing to capture O'Leary, and the sleuths seem proud. A few minutes later DeWoody asked me if I wished to see the reporters. He says it is all right. I consent. He advises me to say nothing. I see them and answer a few questions. One asks, "Did your brother John aid your escape?" What did he mean? Was John arrested? I answered, "That's an inhuman question. Do you want me to say something that might hurt my brother?" Then, for the first time I learned that John was on trial held in $100,000 bail, and with Lyons and myself accused of conspiracy to obstruct justice. I was shocked and surprised. In a few minutes I was brought to the Federal Building before Judge Learned Hand and confronted with two indictments—one a capital offense; the other punishable by two years' imprisonment. I plead "not guilty" to both. Now an extraordinary incident happens which indicates to me crudity or ruthlessness on the part of those in charge of John's prosecution. I am brought into the office of Assistant United States Attorney Benjamin Matthews. We shake hands. Matthews impresses me as a good-hearted fellow, boyish with an open face, a man born for better things. He informs me that he wants me to sit down so as to permit several people to identify me. I am horrified as a man named Biglow, a grand jury stenographer assigned to the New York office by the Attorney General's office at Washington, brings in several men, each of whom is asked, "Do you know that man?" indicating me. "Did you ever see him before?" Each one looks me over carefully and except one answers, "no." Biglow begins to urge them to identify me, with words such as, "Look him over carefully," "Are you sure?" and "Be sure." Such methods of identification are tantamount to subornation of perjury. They are never used in the Tombs or at New York police headquarters. No jury would accept such methods as evidence in a court of justice. The proper method, the safe and fair and indeed the customary way is to place the person to be identified among ten or fifteen others, and then ask the identifier to walk in and pick the man out. Here, however, is the identifier in the moment of great public excitement led into a room where I am sitting alone, having been informed who I am, and after I am pointed out asked, "Have you ever seen that man before?" I protest at Mr. Biglow's interference and am told by Mr. Matthews to keep still. I refuse and protest again and the man is taken away. Finally the last of the identifying group looks at me. He is asked the usual pointed questions, holds his head down, can't see me but says, "Yes." That man is a prevaricator. He acts the part, I know it, yet what can I do? Who these men are, I know not. I have never seen any of them before. This is a terrible thing to do to a citizen in my position. Yet I am powerless except to record the incident and expose it at the proper time. No reputable District Attorney would do this, but it is war time now and everything crooked and corrupt goes, is fostered and tolerated. Anything to hang or shoot a



The Tombs.

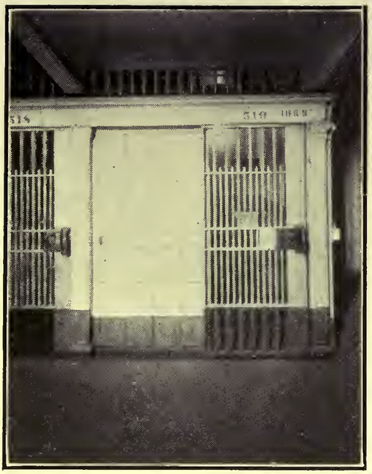
man of Irish blood seems permissible. I say nothing but do a great deal of thinking.

Mr. Matthews tells the marshal to take me "up stairs." I shake hands with Mr. Matthews and say, "I am a good American, Mr. Matthews, I have never raised my hands or voice or pen against the United States. I love my country too much to harm it. As for England, I owe that country nothing. If the charge against me is that I have tried to free Ireland, I plead guilty. I have always favored the freedom of Ireland. I would be a poor American if I acted otherwise." Mr. Matthews replies; "O'Leary, it is my duty to convict you and hang you if I can, it isn't a pleasant duty but I must do it." I answer. "The public official who hangs an American of Irish blood or extraction for devotion to Irish freedom will be outlawed at no distant date. It may be popular just now, but times will change. What is done now in haste will be repented bitterly in leisure."

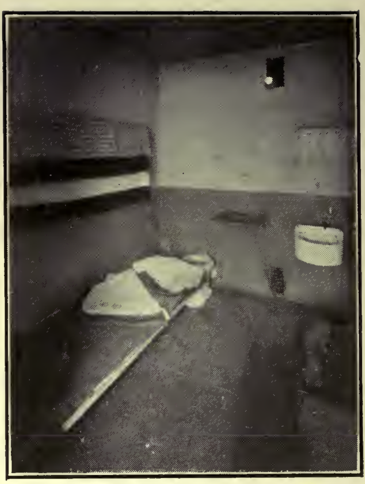
Soon afterward, I am taken to Marshal McCarthy's office. The Marshal generously gave me the use of a room where I met my father, mother, sisters, Aunt Mary and several friends. I have lunch after which I'm railroaded to the Tombs.

There are many quaint and gruesome bits of history connected with the Tombs, some of which have been tabulated, chronicled, pigeon-holed, and put away for future reference. It has been the scene of various domestic tragedies, executions, escapes, extortion, political skull duggery at the expense of American Courts of justice, and other evil features of metropolitan life. Nevertheless, I am glad to find myself within its confines. Now I'll have the peace denied me on the outside. I shake hands with Warden Hanley, laugh and chat with him, am brought upstairs, shake hands with "Tom" Marshal, the desk man, am registered and brought in through a barred door where I am introduced to Patrick Coffey by Warden Hanley. "Well," I said looking at Coffey who smiled and shook hands, "I suppose I'll have "Coffey" for breakfast, "Coffey" for dinner, "Coffey" for supper and "Coffey all the time." As "Coffey" laughed I kept it up by adding,—"You look strong, Paddy, I always liked strong coffee." He laughs good-naturedly at my pun on his good name. I am taken to my cell. The warden gives orders to "clean it out." It is No. 112 on the first tier. "Hurry up, there," shouts Coffey to the "runners," "Clean that out," adding, "There is John's cell," pointing to my brother's. It was originally planned to place me in the same cell with John, but the Government would not permit this. Much to my surprise, the Government insisted that I be removed to another tier. I am therefore sent to the fifth, so that I can't see my own brother. Warden Hanley took me there and introduced me to Mr. McCarron, my new keeper. McCarron greeted me cordially. I could tell by his face that he was a humane kindly fellow. Cell 519 was selected for me and immediately other prisoners were assigned to prepare it for the "Irish political prisoner."

The work done, I enter and take possession. I am glad to be on this, "the boys'" tier. Boys, even of the criminal type, are light-hearted, and preferable as prison companions to the desperate, sullen, brutal types of humanity on the first tier. I hope the Government will be satisfied now that two brothers raised in decent Christian American homes are separated. Brotherly companionship is denied me. That's newborn democracy! John is in Court now on trial. I am willing to take the stand and exculpate him. I have nothing to fear. I told the court that I had no lawyer to defend me and requested to be assigned one. The court said it would comply and would consult with me about the matter. I like Judge Learned Hand's face. He looks like an honest man with character. He'll assign a lawyer who won't be a government spy. I'm certain of that. The interior of my cell is uninviting. A bunk which falls from the wall and is attached to it by hinges first attracts my attention. There is an upper and a lower one, just like a Pullman sleeper. I'm to have no cell mate. That's good. The rest includes a toilet bowl and a wash basin and an iron table about eighteen inches square also attached to the wall by hinges. It's a little too high for writing. I don't like the table. I'll have to write on my lap. Two hooks



No. 519. The Cell in the Tombs.



An Interior View of O’Leary’s Cell.

A View of the Fifth Tier.

to hang clothes near the door afford a good chance for thieves to pick my pockets. The hooks should be in the far corner away from the cell door. There are two grated air vents, too small for a man to crawl through. A heavy barred door that slides back and forth completes the picture of my new home. Everything is steel except the floor, which is concrete.

The ordinary conception of a prison is that the cell windows open into the outside air. The supposition is incorrect. Inside the windows of the Tombs is a big corridor. The cells are in the center of the floor and the doors open into this corridor. The corridor runs in an oval around the outside of the cells. When a man steps out of his cell he is in the corridor; the outer wall of the prison forms the outside wall of the corridor; the cells the inside one. The cells are back to back. They are about seven feet wide and eight feet long. Being in the inside the cells are necessarily dark, and therefore must be continually lighted by electricity. One electric bulb up near the ceiling supplies the light which is turned on at six A. M. and out at nine p. m. There are thirty-eight cells on each tier and accommodations for seventy-six prisoners. The Tombs proper has eight tiers, a large dormitory for "trusties," a woman's prison and a separate building where drug addicts and unruly prisoners are confined. At two o'clock, I have an hour and a half exercise in the yard, where I get sunlight and air. I'll get this once a week. I take my first exercise and enjoy it. Everybody shakes hands with me. I am quite a curiosity to the prisoners. To be a jolly fellow here means much the same as it does elsewhere, so I begin that way.

A fellow called "Scoti" who looks like an old timer, smokes a sawed-off pipe, is about sixty years old, and diminutive in stature, with closely cropped hair, salutes me thus: "Are you the fellow what they are going to hang?" I looked at him for a moment and asked, "Do you think that any one would hang the likes of you?" "My God," he exclaimed, "that's the worst thing that was ever said to me and I have spent nearly fifty years of my life in jail." The gang gives him the laugh and he walked away. Von Rinteln, the famous German spy was pointed out to me. People in office and business buildings all around assemble at the windows to see me. They succeed. I meet Willard J. Robinson, who I am told, is "a conspirator indicted with me." We agree not to talk about our cases. His lawyer has advised him not to, and I respect his suggestion. We talk of other things, his arrest, the way he was treated, and his prison life. Robinson is a cool, nervy proposition, a real political prisoner. He was glad to see me and laughed at the thought of us walking amongst criminals in the Tombs yard. The string of humanity encircling about is the most picturesque I have ever seen. Negroes, Chinese, Hindus, Italians, Germans, English, Scotch and a few Irishmen are grouped together. Each has a story to tell, yet, they are all God's creatures. Instinctively, I sympathize with them. Murderers, burglars, highway robbers, thieves, drug-addicts, bigamists—fifty seven varieties of human nature—fine companionship for men who are not criminals! More new-born democracy. We are political prisoners, yet our country places us among criminals. I have a wife and four small children, decent, respectable, law-abiding, yet here I am. Such is political revenge. Be it so. I thank you, Mr. Wilson. I can and will stand it. I hope my mind will weather the reign of terrorism and the hardship imposed upon it. The grass must have dew, the earth sun, vegetables rain, and man, companionship. The keepers are not criminals. They seem to rise above their environment. That helps. I'll try, too. At 3:30 we are called in and lined up in columns of twos and sent back to our cells. At 4 o'clock, waiters came around shouting orders for "restaurant." The Tombs has its own restaurant maintained by the city. I am told this was done to prevent prisoners from being poisoned with food sent in from the outside. A prisoner with money can order from a limited bill of fare. He can get eggs in any style, beef always, chicken on Sundays, one potato, pie, terrible cake, bread, soup and a few other things. No one can receive fruit, candy or flowers from the outside world. They sent drugs in from outside in fruit and that privilege was stopped. Matinee girls would have a hard time in this place. They sell fruit, candy, tobacco, cigars, matches, writing paper, stamps and pencils. No glass, knives or forks are allowed in the cells. Prisoners must eat with a table spoon—a slight improvement on man's primitive method. I never wanted much so I am not going to be fastidious here. I'll be content with what I get and take everything as it comes. All the tier salesmen are glad to see me. They greet me warmly. There appears to be much human nature in this place and no clammy handshakes. I like a fellow who grasps your hand as though he had hold of something he liked.

All day long I have been an object of curiosity. I had to place a curtain across my cell door to keep out curiosity-seekers. Curiosity gets on my nerves even in prison. A normal man like privacy.

XIII

STONE WALLS DO NOT A PRISON MAKE.

McCarron offers to lend me a little table he has in a spare cell which he uses as an office. I accept. He gives me a pen and ink. "If you need a comb and brush you can use mine," he suggests. McCarron has a good face, handsome type. He was born in County Monaghan. Everybody calls me "Jerry." I don't mind. The warden asks good naturedly, "Is everything all right." Warden John J. Hanley is loved by all. I can understand, why? He is a ray of sunshine in a dark place. One of the reasons why there are so few escapes from the Tombs is Hanley's personality and popularity. The prisoners know that if they break jail Hanley will be blamed and they won't put him in a hole. There is honor even in prison. I make friends with "the boys" at once. They give me a friendly smile. "What are you in for?" I asked each of them. I listen to their stories and advise them. Lawyers have terrible reputations in this place. Criminals call them "crooks." I defend them when I can, endeavoring to explain the "why's" and wherefore's, and I might add the "therefores."

At five o'clock I am locked up, safe from society and society is safe from me until 9 a. m. Now I am alone. My wife and family are mentally before me. I strain my mind and send it through the steel cage to them. In fancy I see them at home waiting for a "daddy" who "cometh not." I get the evening papers and read about myself. One yellow journal announces that I "broke down." A lie. Another says that I'm "nervous." Another lie. The wish in both instances was father to the thought. I am now under a death charge. I am told they are going to hang me. What nonsense! Echoes of Mrs. Surratt's hanging long disturbed Washington. Death never had any terrors for me—I always meant what I said. I couldn't love Emmet or admire him and be unwilling to sacrifice. I called my oldest boy "Robert Emmet" to remind him always of Emmet's noble qualities. I fixed it so that he couldn't get away from the best traditions of his race. I calculated it would help make a man of him. Now, here I am in America in practically the same position once occupied by Emmet. No oppressive government can successfuly conquer or enslave a man willing to die for the right. Our whole civilization is built upon human sacrifice. In the madness of the mob someone yells—"Hang him," and they gibbet him. A man falls on the street and they gather about shutting off what he needs most—fresh air. He gasps for breath, but they draw closer. A building is burning and they gather around to impede the firemen in their work. Someone yells "fire!" in a theatre, and they stampede. A blatherskite makes a speech and they cheer. A child cries and they laugh. Someone runs and they follow. A man can stop on any busy spot on Broadway and look up in the air at nothing and in five minutes a mob gathers and gazes skyward. A mob is the most senseless, dangerous force imaginable. A stone fell from the spire of St. Patrick's Cathedral last St. Patrick's day. I saw one man run away and the whole crowd follow at his heels. One shouted and the mob yelled. I rushed through the police lines to my wife and children and saw a judge falling off the reviewing stand and a congressman break his wrist because both were affected by mob hysteria. I've talked to audiences everywhere and found that they can be led like children. One person can set ten thousand people hand-clapping. A ragged boy can yell three cheers for ————!" and the audience yells itself hoarse. One night in a Montreal Theatre a man stood up when the orchestra played "Silver Threads Among the Gold" and the whole audience arose like a lot of fools. He did it to prove how wild the patriotic war hysteria was and he succeeded. The newspapers know the psychology of the mob. So does the present government, but they should not forget the fickleness of the mob. Russia has learned that at great cost. America must be careful not to hang any man in haste because to do so might bring about repentance at leisure. I know the mob spirit well. I have observed it all through my public life. In speeches, I have urged carefully and religiously against disorder, I have addressed many volatile audiences and never had disorder. I am in jail now, and my brother is on trial on account of mob hysteria and fanaticism fanned to a flame by a corrupt press. My brother is held in prohibitive bail pursuant to the same mob spirit affecting a judge's mind. The statesmen who can distinguish between the mob-spirit and its causes are wise. The statesman who can remain calm, sober and cope with the mob is powerful. Men who yield to the mob are the greatest menace to democracy and to rational government. I don't mean conservative government or reactionary government. I mean just government based upon the Declaration of Independence. It's all right to read that historical document on July 4th; the thing that counts is to practise its teachings the rest of the year. That's why I am here now. I took that document seriously. I argued from it. If I read it on July 4th and let it "go to Hades" the rest of the year, I'd be in Congress or on the bench. It is strange how Europeans judge us by these principles while most of our people never dream of their existence. Some even tell you that Jefferson's masterpiece is obsolete. They tell the truth so far as their respect for truth is concerned but little do they dream that it is they who are obsolete. They have retrograded. The Declaration of Independence cannot be surpassed or improved upon. Abandonment of it is retrogression.

The boys are making some noise tonight, howling, cursing and swearing. Foul and filthy talk is quite popular here: I don't like this part of the program and tomorrow I will talk to them. At seven o'clock my day keeper, McCarron goes home, and night keeper "Jock" Funk comes on. He is friendly but reserved. I don't talk much. I don't know the place yet. I must get my bearings before I talk to anybody. Lights go out at nine and I roll in between two blankets. The bed is fairly comfortable. I am just six feet 1 inch tall. My feet extend beyond the bed which is about six feet long. My head rests against a chain which holds the bed to the wall. Mc-

Carron has given me a tolerably good pillow—and "Fred" Williams, a "trusty" has put a pillow-case on it—a white bag—which serves the purpose. "Fred" also secured for me a couple of "sheets,' so I feel quite stylish. "Fred" is going to look after my cell. Williams is not his real name, but "what's in a name" so long as it's here?

June 19th. I am in a sound sleep and awake with a jump as I hear a terrible grating, rasping noise. "All right!" said the keeper. My light was lighted. I looked around in bewilderment as half awake I wondered what it was all about. "All right" he said again. He saw I was in a sort of daze and said, "We're supposed to wake you fellows up at 6 o'clock." I said, "Must I get up?" "No," he replied, "you can sleep if you want to. I guess you're tired. You've been through a whole lot." I selected a spot on the ceiling, began to stare, and finally rolled over with my head to the wall and closed my eyes. I was thinking of home so near and yet so far. I was also thinking of John down on the second tier. I thought myself to sleep. While half asleep I hear the strains of "I want to go back—I want to go back to Oregon." I listen and laugh. I've discovered a new McCormack, I see his head with a little cap on it peek over my curtain to observe the effect of his lyric upon me. He is a picture for "Bull." His face presents a couple of teeth as he grins—one on the upper jaw slanting to the left. Any man who couldn't laugh at that face has no sense of humor. I roar. It was Reilly, a male soubrette from Charley Murphy's gas-house district. He is in for selling liquor to soldiers. Got six months for relieving the cramps of a detective in a soldier's uniform. He has a splendid repertoire of songs which include "Where the River Shannon Flows" and "Ireland must be Heaven 'cause my mother came from there." The fervor with which Reilly sings, his artistic expression, his rolling eyes joyfully scanning his hearers as he glides up and down the scales with the richest of sweetness, his crescendos and diminuendos aggravated somewhat by occasional rasping, made me regret that the Metropolitan had overlooked him. "Good-boy, Reilly" rewarded his final flourish on a high note. Just as he was ascending to high "C' some ungrateful wretch on the tier above threw a pail of water over him and poor Reilly "ducked" as though to go under a bar-room door to get under the "bridge" where he shook the water from his hat and asked more in wonder than in anger, "What do you think of that? Some fresh guy who can't sing is jealous and won't let anybody else hear good singing." Poor Reilly! He is an Irish-American type, a typical rounder, absolutely harmless, funny wherever he goes. He is about 5 feet 6 inches tall, likes company and possesses natural musical talents. His arrest and sentence for six months was an outrage. He has a wife and infant child. He is in jail because he had a big heart. A "soldier-detective" appealed to the good samaritanism in him, told him that he was sick and needed whiskey. Who wouldn't take a chance to get whiskey for a sick man? I would. There are many other men in jail, trapped in a similar manner, with dependents on the outside. Such arrests and sentences are no credit to any country. Mr. Hylan should be proud of such contemptible police work. The men who should be prosecuted under this law are not the good samaritans, who are imposed upon by malingerers, but those who carry on the traffic for profit.

Breakfast man comes around at 7:20 o'clock. I order an orange, cornflakes and coffee, my usual morning meal. It costs 35 cents. The coffee is terrible. Several visitors, including Father Evers, the Tombs Chaplain, call. The priest is cordial and offers his services. Drs. McGuire and Lichtenstein, the Tombs physicians, call to see if they can "do anything." I know Dr. McGuire. I called him as an expert witness in court trials more than once. The prisoners are still curious. I can hear them gossiping about me from cell to cell. "Hey 610! O'Leary is down in 519." "Did you see him?" "No." "See the paper?" "Yes" "Great stuff."

John is downstairs on the second tier. To know that your brother is so near and that you can't see him is a strange sensation. Poor fellow! He has a wife and seven children. They tell me he goes to Court every morning about a quarter to ten. I would love to see him, but iron bars and Woodrow Wilson's new "democracy" block the way.

At 9:15 I hear they are going to bring him up for a moment. He comes. The keepers stand by. We talk about our health. Any reference to his case is prohibited by the Government. He goes. I wish him luck and express my regret that I have been the cause of so much suffering to him. This is great justice. A mother has two boys fighting for the United States, while two others just as patriotic are being persecuted by it. England wouldn't do such a thing as this. But here we have Southerners in charge. If Northerners went South and did such a thing, the Southerners would drive them out or perhaps apply some other well-known Southern methods, and no jury would convict them.

XIV

AT JOHN'S TRIAL.

June 20th, 9:15 a. m. I hear the tier bell ring, and my keeper announces that I am to be taken to Court to testify in John's case. Thank God! The chance I have been praying for has come at last. I am not prepared, but I go joyfully. I have nothing to fear. I shall answer all questions eagerly and clear my brother. I am ready. I am brought downstairs to the desk on the first tier where two marshals are waiting for me with handcuffs. They clasp them on my wrists and we start downtown through the crowded streets. The people seem to know me. I'm indifferent to their staring. I arrive at the Federal Building and am placed in a steel cage. Two negroes are here awaiting sentence. Marshal McCarthy looks. The poor negroes are frightened. I give them courage. Marshal McCarthy asks me if I want to go to his office. I answer, "I ask no favors and want none." He calls two marshals and says. "Take him out of that cage and over to my office." In the hall I pass nine familiar faces. Mrs. Hannah Sheehy Skeffington smiles. Quite a crowd greets me. Newspaper men stare and try to talk to me. I rush by. In the Marshal's office I meet some members of my family. They are cheerful. I ask about John's case. "All right," is the answer.

Presently I am called into Judge Hand's office, back of the trial room, and in a few minutes obtain my first view of the Court room. All eyes seem friendly. Col. Felder and Earl Barnes, opposing lawyers, look like a couple of roosters which have been picking at each other for several days. The tense atmosphere amuses me. Barnes laughs, but Col. Felder regards him scornfully. The jury look very interested and stare at me. I am at ease, absolutely confident of my innocence and certain that I can show John blameless. I don't know anything about the case, I only know the facts, and I am ready to tell them.

The crowd in the Court room smiles encouragingly. The faces of the jury relax as I answer. My rest has benefited and given me perfect self control. John seems worn and worried. His children and faithful wife—all tired and haggard looking are present. His jury looks sympathetic. I know juries well and judging by the faces I see the jury will not convict John O'Leary and I can tell by Barnes' demeanor that he is beaten. The press-table is crowded with newspaper men who strain for every word I say. The morning session over, I get a good lunch. I return to Court in the afternoon. I am excused while Surrogate Cohalan testifies as a character witness. He is friendly. There's a real Cohalan, I thought, as I pass through the rear door back into the Judge's lobby. At 5 o'clock when Court adjourns, I am returned to the Tombs in handcuffs. I have no supper tonight. The restaurant is closed when I am brought in, so I go hungry. Be it so. Jail and hunger! What's the difference? General Charles P. Stone * spent 198 days in jail during the Civil War, the object of popular vengeance, without accusation, indictment, or trial and in violation of the Articles of War. I think about my wife and children. They are ever on my mind. I have not seen any of them yet. I expected them today and go to bed disappointed.

June 21st. More cursing and swearing, foul talk and howls. Breakfast and then to Court. I am getting used to the handcuffs. I am on the stand again. The cross-examination begins. I have no fear. Why should I? I am anxious for it. Barnes fishes and gets what he does not want. He questions me about what I said to Lyons the night before I left New York. I tell him that I talked about him. He asks me to repeat

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* Graduate of West Point Military Academy from Massachusetts. Served as Lieutenant in the Mexican war with high credit. To appease popular clamor for the disaster at Ball's Bluff, he was arrested in February, 1862, and confined in Fort Lafayette and Fort Hamilton, although testimony to his excellent reputation as a military commander and a man was given by General McClellan and other Union commanders. Stone spent 50 days in prison without permission to see his wife. He finally appealed to President Lincoln asking "if he could inform me why I was sent to Fort Lafayette." The President replied that "if he told me all he knew about it he should not tell much." After his release, without a word of explanation or exculpation from the Government, he went to Egypt and became Chief of General Staff to the Khedive.—"Twenty Years of Congress."

the conversation. The jury strains and listens attentively. I gave none of them a chance to relax and held them until I finished. The "Tribune" says; "For two hours yesterday Jeremiah A. O'Leary, in the Federal Court, made a soap box of the witness stand." Perhaps "soap box" may be a better name for the latter-day witness stand. At least it becomes a soapbox in the eyes of revengeful reactionaries when a man of Irish blood gets up there and vindicates himself. Shades of Horace Greeley, founder of the "Tribune"!

June 22nd. Saturday. A day of rest, thank God! I am in the Tombs, but I have done my duty. I have stuck to Washington's policies. And to "Tom" Jefferson's. Had Jefferson been captured by "John Bull" he would have been soliloquizing on human liberty behind iron bars as I am. So would Washington and Adams and the rest of the fathers of the Republic. I feel these walls all about me. I can't stretch my arms without hitting them. There is no sunshine here. I don't fill up my diaphragm with fine air as I did on the chicken ranch. Nor do I hear Sam pounding around the kitchen as the fire crackles and the bacon sizzles. I am confined—but what's that? Haven't I always been confined? Hasn't my greatest peace of mind come from going to a room and writing and smashing at the British propaganda that is eating the heart and damning the soul of my country?

Father Evers calls. The prison workers talk to me. I am an object of curiosity. Here comes a layman—an evangelist who's going to look after my spiritual wants. I am writing. My curtain is up. I hear the boys outside, the trucks thundering through Centre St., the cars grinding along, squeaking and clanging—the automobiles honking. "Hello! my good man," says he, "what are you in here for?" observing me curiously. "Murder," says I, with a savage voice, like one who had slain another. "Murder!" he repeats. "That's terrible! Who did you kill?" was his next query. "Fifteen," I answer. "Fifteen! Great Scott!" exclaims the evangelist. "Well, there's hope for you" he added, consolingly. "I want no hope" I remark. "What's your religion?" he asks. "I haven't got any. I used to be a Catholic," is my answer. "That's it; that's it," says he, "You've lost your religion, and see how God has punished you." Unable to stand any further remarks from him I shout: "Get out of here, I don't want you preaching to me." "Be quiet, man" he continues, "There's still hope for you. Remember the thief who was crucified with Christ. Remember how he asked Christ to forgive him, and how Christ answered: "This day thou shalt be with me in Paradise," and with that he hurried away to Keeper McCarron. Pointing to my cell, he thus addresses Mac: "Be careful of that man; don't let him out, he's desperate. If you do, watch him, because he's liable to get your gun and kill every man on the tier." Turning around and fixing a last and despairing look upon my cell he walked out through the gate as McCarron laughed. "What did you say to him?" asked McCarron. "He thought I was a murderer, and wanted to convert me," I reply.

XV

SUNDAY IN THE TOMBS.

A short dark fellow with bushy hair wants to see me. He's in 507. He answers to the name of Sol Dupre and comes from Massachusetts. He is a country boy and doesn't resemble a criminal. He ran away from home with another boy to see the country, got as far as Philadelphia, "went broke" and worked his way back to New York on an auto truck. Somewhere in transit he bought a revolver with no purpose he swears, except to protect himself. When he arrived in New York, unkempt, unshaven and dirty, he was "frisked" and arrested. He wants to get out. He has neither friends nor funds. He shows me his mother's broken-hearted letters, breathing love to her boy in a crude way, and I make up my mind to help him. His case is before Special Sessions. I'll talk to him again, watch him and at an opportune time call his case to the attention of the proper authorities. Another boy calls me. He is indicted for highway robbery in the first degree. His appearance indicates that he's no professional criminal. I question him and find that his mother is a washwoman, a widow with two children, this boy, 17 years of age, and a daughter, 2 years younger. The story he told me follows: It was Sunday. The boy with others was loitering about a vacant lot when a policeman drove him and his companions away. While walking along the street they accosted a man changing tires on his automobile. They stopped—just as boys do—and began to touch the car. The owner objected. The boys grew impudent and in a moment blows were struck. A policeman came. The boys ran. This boy was arrested and charged with highway robbery, because the automobile man asserted that his watch and chain were stolen in the scuffle. His word was accepted and the boy has been here one month in prison consorting with criminals while his poor helpless mother is crushed and heartbroken, knowing not whither to go or what to do. The boy has worked faithfully and his employers think well of him. I cross-examine him carefully and am assured of his innocence. So I resolve to help him. I am determined that justice will be done him.

What has his mother done? She went to the parish priest who said: "I can do nothing. We have received orders not to interfere." Received orders! From whom? Such orders are ridiculous and can only result in the damnation of boys. I can't believe it, so I go back to my cell, write a letter to someone who can help, stating the facts, send it out and await results.

I grow disgusted as I meet several of a real criminal type and finally return to my cell to think about my brother on the first tier and my loved ones at home. What a crime; what an outrage it is for these cruel Southern persecutors to separate us! When I think about my brother's predicament, I grow bitter and desperate. He has a sick wife and seven small children and yet he is held in $100,000 bail on a charge which is only a misdemeanor. Were he convicted the maximum punishment would not exceed two years' imprisonment. What about the constitutional prohibition against excessive bail? The Constitution! Did I ever dream I should live to see this day when a father of seven children would be shut up with criminals falsely charged with aiding his own brother to get a much needed rest? Such is liberty under the reign of President Woodrow Wilson. "Oh! Liberty! What crimes are committed in thy name!" And this is the country of my devotion, a country I love because of its ideals, and this is the way its ideals are destroyed by the recognized leaders of the Democratic Party, founded by Jefferson, my political mentor.

I'll go to sleep. More cursing, swearing, vile filthy talk. More of the new-born Democracy. Please God, I'll be out of this soon. Hanging is in store for me according to the newspapers. The press got a big setback when I went on the witness stand. They looked for revelations but none were forthcoming. They weren't quite ready with their frame-up. I challenged them and they fell down. Now what are the people thinking? Are they still fools? Can't they see now that all the stuff they have been reading about me is bunkum manufactured by English propagandists to stir them into passions that will cause them shame and regret when fanaticism and the cry for vengeance subside.

June 23rd. Sunday. My first in the Tombs. I awaken at 6 o'clock, aroused by that terrible rasping made by the keeper grating his key along my cell door as he walks along. Breakfast comes. At 7:45 the keeper shouts, "All out for Catholic Service." My cell is opened. What a sight I see! Boys rubbing their eyes come stumbling out of their cells with disheveled hair and line up at the gate. They are marched to the Chapel where Father Evers is about to say Mass. The Chapel is small. About one hundred and fifty men are there. Criminals kneel reverently in prayer before the altar. The hardest hearts, the most calloused sinners have respect for God. Never before have I realized what a powerful factor religion is. If love conquers all, if music charms even savage hearts, religion compels even hardened malefactors to bow their heads in deep respect. In Court they are defiant or fearful; here they are quiet and orderly. On the left of the altar stands a great crucifix with a life-size image of Christ. Was it placed there as a reminder that He suffered even more than ourselves? Do these understand the true philosophy of the tragic spectacle before them—the crucifixion of the Man-God—almost two thousand years ago? Father Evers begins Mass and soon turns and delivers a sermon. The congregation is small, the men are near him, but he lifts his voice in clear, solemn tones. No echoes return, nothing is more noticeable than the respectful stillness of unfortunates whose thoughts may be driven back to other days when as boys or men they listened to the warnings of other clergymen they had disobeyed. The front row is occupied by women. Over on the left I can see Margaret Sullivan, the maid of Victorica, with head slightly bowed, listening to the words that fall from Father Evers' lips. He speaks of the hypocrites of the World, of the greater criminals who are outwardly respectable but inwardly corrupt, the unprisoned criminals, the class uncaught, but nevertheless wretches before God, the hypocrisy of the world. Mass is soon over and under guard we return to our cells. Later, the Christian Scientists held their services, likewise the Protestants, and before each one the keeper calls out, "All out for Protestant Service," etc. The Jews had their service yesterday.

Sunday in the Tombs is long and weary. The tier barkers who sell candy, cigars, and other commodities allowed to be sold, are absent. The men conscious of the day keep to their cells thinking no doubt of home, loved ones and friends on the outside. No supper is served. We must order our supper at noon. At one o'clock on Sunday the restaurant closes. I didn't know this, and therefore, did not order supper, so I go hungry tonight. I retire to my cell to write a letter to my wife. My home is before me. I am near my loved ones and yet I cannot see them. I must comfort them. They must be suffering far more than I.

XVI

JOHN'S CASE BREAKS DOWN.

June 24th. John's case broke down. The Court declares a mistrial. An indicted juror was found on the jury. A fine scandal! The Government says it didn't know it. I wonder who could know it if the Government didn't. The news causes great excitement here. John was released on ten thousand dollars bail. Thank God for that! But why, I ask, was he formerly held in one hundred thousand dollars bail? Let Mr. Wilson answer. Let his ideals of new-born Democracy, practically applied, answer. The Constitution forbids excessive bail, but what's the Constitution when the fury of political revenge is involved? Anything to convict an O'Leary, anything to hang, jail, yes, crucify an Irish American. That's what's going on now in the land of the free, and the newspapers, more than any other influences, are responsible for it.

I went on the witness stand Thursday, unbosomed my soul to the American public, defied the prosecution; my cross-examination occurred on Friday and what was the result? The Government presented not one fact to sustain the outrageous indictments filed against me. On the contrary, I proved my claim of persecution. Even the newspapers were clearly impressed and very much surprised with the Government's glaring failure. The "Tribune" said I made a soap box out of the witness stand. The "Sun" declared that I made an excellent witness, and sprang a real sensation in the Wise letter. Thank God the clouds are rifting! Why didn't the Government ask me about Victorica? About blowing up ships? About that revolution in Ireland? There can be only one answer, because I am innocent and they can't prove my guilt. Are the people fools? Have they lost their heads completely? Is their hate and hysteria so intense and unreasonable that they want bogus plots, innocent men in jail and the guiltless to suffer as General Stone did during the Civil War? Following is a newspaper cutting which explains the brand of newborn democracy meted out to me. Outlining his reasons for declining to defend me, Mr. Wise, in a letter to my brother, wrote:

"There is another consideration that I want you to think over very carefully. I am a trained soldier. Five years of my life were devoted to the profession of arms. For more than one year I was in the service of the United States. I served in Cuba, and was mustered out of the service of the United States as a Major. I feel certain that within the next few weeks our Government will have to call for a million more men. I know that when this call comes, our Government is without adequate trained officers, and when the call comes I shall go. I feel my obligation to do so keenly, so keenly that I cannot knowingly do anything that might prevent me from going.

"The officers of our Government are so bitter that if I should defend your brother in this case they would probably treat me as they have treated General Wood, and refuse to accept my offer of service.

"Under the circumstances, you can see that I cannot afford to put myself in any such position. I have no qualms about representing your brother, and if I were not tied up in my professional engagements and in my obligations to serve my country, I would not hesitate to do so. But from all that I have said I hope you will realize my position, and allow me to retire from the case.

"Very truly yours,
"Henry A. Wise."

The Wise letter speaks volumes. It makes my situation another Dreyfus case. Let them hang me if they dare. The people are now suspicious. They are convinced that I was justified in concluding that I could not have a fair trial at the hands of prosecuting officials who were endeavoring to force me to trial, sick and weak without a lawyer, utterly defenseless. I paid Henry A. Wise $1,000 as a retainer. I was entitled to his services, but Government officials forced him out of my case by threats, lies, insinuations, and thus I was deprived of a very sacred constitutional right. The least they should do—if they aim to hang me—is to leave my lawyers alone. The people of England would kick any prosecuting official out of office who would create such a scandal and thus defame English justice*

June 25th to 29th. I am now settling down to the weary humdrum of prison life. My case goes over to the Fall. John's goes on trial again on Monday, July 1st. I'll testify for him again after which I shall spend the Summer of 1918 with Warden Hanley and his keepers behind prison bars.

July 1st to 3d. John on trial. I may be called any day now. Am watching and waiting and reading the newspapers, my only means of securing information. The newspapers have lost interest in the case. Their reports are perfunctory now. John's first trial satisfied the American people that the government's charges are groundless.

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*Although the British government was determined from the start to execute Sir Roger Casement, it nevertheless permitted a member of the English bar to defend him and the Court complimented counsel upon the skilful defense.

XVII

REFLECTIONS IN THE TOMBS

July 4th. Independence Day. "All men are created equal! All governments derive their just powers from the consent of the governed. Man has been endowed by his Creator with certain inalienable rights among which are life, liberty and the pursuit of happiness."—Declaration of Independence.

I celebrate the day by reading the Declaration of Independence. What a treasonable document! How seditious! How anti-British! How strong! How virile! How courageous! How true! England was looking for the man who wrote it and those who signed it to hang them as traitors. Behold the bold signature of John Hancock, the first on the list! There's the name of Jefferson, its author; John Adams, the rebel from New England, and Benjamin Franklin, the political philosopher from Philadelphia—all "traitors" according to England. Here am I, fool, who took it to heart, slept with it, learned it by rote. If the signers returned to earth today, they would hold another Continental Congress. I wouldn't put my worst enemy in jail, but if they did come back I'd join their patriotic army and advocate treatment of the Tories as James Madison treated them during the War of 1812, by respecting their rights.

It has come to pass that Washington's Farewell Address is a dead letter in America. American soldiers are in Europe, actually fighting. Washington said: "Avoid all European entanglements and wars." President Woodrow Wilson says "Get into them." In one of his speeches he referred to those who preach "ancient policies of isolation." Well, I agree with Washington, and the Tombs prison is my reward. Here I must listen to the vile howlings of impious wretches, yet I am proud. It is good for me to be here. Anglomaniacs call me vile epithets now but when the smoke has cleared history will justify me, will show that I stood by Washington to the end. If my fate be death, be it so. If it be life imprisonment, be it so. If it shall be contumely, be it so. I bow to God's will. Washington also said something about "tools and dupes who usurp the confidence and applause of the people." They are on the outside. He also remarked, "Real patriots who resist the intrigues of the favored nation shall become suspected and odious." To which I may add "prisoners awaiting trial for their lives." Apparently Washington understood Tory intoleration, free speech for themselves, jail for those who differ with them.

Up on the wall is my flag, the American flag. The draft blowing from the top ventilator to the bottom of my cell is actually waving its folds. As from some great building towering to the skies, Old Glory waves. If that flag could only speak; if its red could only find its way into the veins of heroic men who are sleeping now at Lexington, Concord, Saratoga and Yorktown and give them life, how happy I'd be. If its stars could only shine again as on the night before Yorktown when the slumbering Irish in the army of Rochambeau slept peacefully in Yankee tents before the morrow which dawned on the day when British military power was broken on the American continent until now, what happiness would be mine. If its white, symbolical of purity and truth, could only purge the present order of things of dishonest opinions, hypocrisy and humbug, how glorious our country would truly be. Alongside the stars and stripes is the tri-color of Ireland, ominously still, as though waiting in suspense for Justice to give it life. That flag was carried on the streets of Dublin during Easter week, 1916. I have it here. It was sent in by a devoted friend to console me, and comfort me it does. In the right hand corner is a tatter where a British bullet ploughed through. Otherwise it is intact. I would like to have the flag carried at Bunker Hill as the tri-color's companion. The Declaration of Independence is here and so is Washington's Farewell Address and Ethan Allen's story of his cruel imprisonment after his capture by the British at

Quebec. Some of Jefferson's volumes are here. All I need to make the picture complete is the banner of the Thirteen Stars.

There are some other thoughts in my mind. I am thinking of the Irish race in America; why haven't they been more militant in this crisis? The day will come when the American people will turn to Washington again. Why aren't they sagacious enough to see that those who uphold his ideals now will be the pioneers of the great reaction which is inevitable? I have before me my letter written in June, 1917, when war policies were in the making, demanding an Irish Race Convention. It makes very interesting reading now. It is addressed to James K. McGuire, Chairman of the Friends of Irish Freedom. This letter is my best title to Americanism. It makes my position on the present issues clearer than anything I have yet written.*

I heard nothing from any male members of the Irish race yet. Are they afraid to write? The women are not. I have received numerous letters from good devoted American women of Irish descent. They are very encouraging and sympathetic. They express confidence in my innocence. God bless these brave true-hearted women! My mind travels across the ocean to Ireland where De Valera, Griffith and other leaders of the Irish people are in prison. They are held because of the alleged plot of which the press has made me the central figure. Lloyd George boastfully declares that the evidence of the "plot" was furnished the British Government by "a friendly foreign power"—the United States, of course. The Irish people are standing by their imprisoned leaders and the Cause is advancing because they are following that true Irish policy. I reflect upon the sacrifices of the American soldiers in Belgium and France. They are fighting to make the world safe for democracy, for the rights of small nations and not for gain or conquest. Very good. I don't know whether I'll live to see the end of this thing, but if I do, I dare say that it will come out as it always has where England is involved. If the Allies win, England will grab everything and Uncle Sam will get the worst of it. If the Germans win, England will take good care of herself, and Uncle Sam will get the worst of it. With these reflections and observations I bring this day's writing to a close. For me it has been a sad and reflective one. Outside, the Nation celebrates the destruction of the very ideals the Day has been set apart to revere. We can't be fighting to perpetuate the cruel imperial power of the empire from which we wrung our liberties and yet be true to these ideals. We cannot consistently be in accord with England which holds Ireland against her will now, and celebrate a day when we resisted the cruelty of the same imperialism. They don't harmonize. Something is wrong.

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* This letter is printed in the Appendix.

July 9th to 15th. Was down to Court this week and testified as before. I found my wife in a very bad and nervous condition and our children puzzled over my absence. Their question, "When are you coming home, Daddy?" must be answered by President Woodrow Wilson, who holds the key to my cell. His is the hand that keep my children's "Daddy" in this wretched place. He is fighting for the new-born democracy, and I, for the Jefferson and Andrew Jackson brand. He is fighting for the fustian variety which the "New York Times" admires; I am more interested in the brand Jefferson wrote into the Declaration of Independence, the kind that was won by Washington with his sword. They regret the American Revolution, I glory in it. They are on top today; I am where Washington would have been had the British caught him on his "chicken ranch" at Valley Forge. On July 10th, I received a letter which cheered me very much. It came from a woman. I regret that some of those Irishmen who have been twisting the lion's tail for the last twenty years haven't seen this:

"5076 Page Boulevard,
"St. Louis, Mo., July 8, 1918.

"Dear Mr. O'Leary:

I shall not waste time introducing myself. It is not necessary. Just let me say, I am only one of many from the Pacific to the Atlantic who have faith and pride in you, and absolute belief in your innocence. It has often been my privilege to hear you speak; to me you stood for all that is fine in American democracy but then, I, too, am a lover of Jefferson. You will emerge from your present difficulty with flying colors if right triumphs, and you will meet your trials with head uplifted and unafraid like all the fine men of the race. Is there anything in the world that you want? I know many devoted and loyal hearts that would move heaven and earth for you, and yet they are forced by existing conditions to remain helpless and inert. But they are with you in spirit and in heart, praying for you, thinking of you, suffering with you. If human love and human sympathy can penetrate the cruel walls of a prison, you must know that we, your people, are with you, solidly behind you to the end, loyal, true and unafraid. We have full belief in your innocence and the firm conviction that truth must triumph in the end. I am sure you are proud to suffer with De Valera and Arthur Griffith and the other noble souls who are accused of plotting with you. At least, you are numbered in goodly company and share with them our people's love. Before I left New York last Monday with some other friends, I tried to have Warden Hanley take some fruit to you without success. Surely they did not think one Sinn Feiner would poison another. The next time I write I shall tell you of the various expressions of sympathy offered to you by the man who put up the fruit, the subway guard, and even policemen on their beats. We felt the people's pulse that day and did not find the name of "Jerry" O'Leary anathema to the common people. After all they are the only ones that matter. We are proud of you—proud of your high courage and determination. Always remember this: The great hearts of your own people beat for you and the throbs will be felt by you before long. God bless you, as we Irish say.

"Faithfully yours,
"Mary Brennan."

This is an excellent sample of letters I have received from Miss Alice O'Reilly, Mrs. Mary Schulte, Dr. Gertrude B.

Kelly, Mrs. Savage, Joseph G. McGarrity of Philadelphia, and many others.

July 15th to 24th. I saw my wife once more, also my father, mother, sisters, brothers, and many friends at the Marshal's office in addition to Dr. Gertrude B. Kelly, the first person to call at my home and offer assistance after my first indictment in November, 1917. "If I can help you, just call on me. I am at your service," is her spirit. My wife informs me that Dr. Kelly has been very attentive. The only visitor I have had at the Tombs has been Paula Schulte, daughter of Mrs. Mary Schulte, one of my staunchest friends. Paula is the only person thus far who has been able to secure a pass to see me. She comes almost every day. I see her in the visiting house for half an hour where she tells me what's going on in the outside world. This visiting house is a separate building connected with the prison proper. It consists of two tiers or floors. There are about forty stalls resembling confession boxes. On one side sit the prisoners, a partition separating each. On the other, the visitors with the same arrangement. Between visitors and prisoners is a space about eighteen inches wide running the full length or width of the visiting house. Two very thick heavy wire screens which almost completely obscure the faces of visitors from the prisoners and the prisoners from the visitors, one on the visiting box of the prisoner, the other on the box of the visitor perform the function of prison bars. This is a cruel contrivance, devised I am told by Mrs. Katharine Davis when she was Commissioner of Corrections. Women can be ingeniously cruel when they want to be. If Katherine Davis had to see her loved ones through such a contraption she would remove it at once.

A keeper paces back and forth on the prisoner's side, and occasionally gazes through the space between the visitors and the prisoners. In each stall is a stool and a sort of shelf or table on which to rest the arms. The noise of this place is terrible. When twenty prisoners are visiting on a tier the house is like a bedlam, one shouting louder than the other, requiring persons who desire to make themselves heard to strain the voice. Miss Schulte and myself spent most of our visiting time listening to others. Conversations are occasionally very funny. One day this week I heard my name mentioned and listened to this colloquy! Visitor—"Have you seen O'Leary yet?" Prisoner—"No." Visitor—"I wish I could get a good look at him." Prisoner—"I don't know where he is. They say he is on the boy's tier and I am on the eighth." Visitor—"I hope he beats his case." Prisoner—"They have nothing on him." At this point I interrupted to say "You bet they haven't." Visitor—"Who's that?" Prisoner—"I don't know." Paula Schulte giggled and I answered, "It's O'Leary." The prisoner jumped out of his visiting house and came to my stall and shook hands, his friends came to where Miss Schulte sat and sent their greetings and good wishes across the screens. The man—Bryce by name—had been arrested because he would not submit to the draft. He had never filed his declaration to become a citizen and claimed he could not be drafted.

During the week "Rocky Mountain" O'Brien called. I was overjoyed to see him. He gave me strong words of encouragement, and said a few things about folks on the outside whom he described as "running away."

XVIII

CELEBRATES BIRTHDAY IN JAIL.

July 24th. My birthday. Thirty-seven years ago I was born at Glens Falls, N. Y. I am to have a birthday party today. My wife has arranged with Marshal McCarthy who promised to bring me down to his office in the Federal Building, for the event. I am surprised and pleased at this good news. I go down and meet my wife and four children. My wife's aunt, Miss Anna Livingstone, her cousin, Miss Prendergast, my father, mother, sisters Marguerite and Alice, brothers John, Alexis, some of my wife's devoted friends, Mrs. Ella Caddie and Margot Morris, Miss Schulte, Miss Lillian MacCreedy, and several others. A nice luncheon had been prepared by those present, beautiful red roses on the Marshal's desk, cigars and candy, everything but music. I returned at 5 o'clock, tired and eager to get back to my cell. I am not used to excitement now. It tires me. I am very blue as a result of the excitement and relaxation. Visits make prison harder to bear. The sensation of parting is bitter. When I was ready to go, everybody said, "good-bye," or kissed me, and left me alone with the Marshals who fingered at their handcuffs until my guests were well out of the building. On my way to the Tombs, I gaze along the streets in the hope that I may catch a glimpse of some of them, but they are gone.

I am deeply grateful to Marshal McCarthy for his kindness. What makes it hard for McCarthy is that he is a friend and college-mate of my brother, Arthur. I remember one night at an elocution contest conducted by Manhattan College, hearing McCarthy orate. He was a boy then and full of ambition. Arthur won the contest but "Tom" as they called him acquitted himself with credit. Life is very strange indeed. McCarthy went into politics and, an appointee of President Woodrow Wilson, is now my jailer. Be it so. He has traveled the road of the world. I have remained true to the orations I heard him recite. I loved to hear them and to recite them. To me they meant more than the sound of the voice or the euphony and thunder of the words. They were the convictions of great men, heroically expressed, preserved to inspire and to create. Long ago I fell under their spell. Now, I pay the price.

Marshals O'Flaherty and Mead had me in charge today. They are very kind. It is almost a pleasure to know they will take me out or bring me back. How different is my treatment at the hands of McCarthy to the way Irish political prisoners are treated in Ireland and England.

Thank God, I have some alleviating experiences. Here in the Tombs all is kindness from the marshals and the keepers. They are mostly Irishmen. That's the reason. My keepers, Felix McCarron and Thos. Colton, and my night keeper John Funk are most considerate. On the eighth tier are John Boyle and Hugh Cooney, the first born in New York, the other in County Cavan, Ireland. On the third are Thos. Hanley, Irish born and William Donohue, American born; on the second, in charge of Willard Robinson are John Quinn, American born and James Martin, Irish born, and on the first tier, Patrick Coffey and John Crowley, both born in Ireland. They are all interested in my case and are confident of my vindication. On the sixth tier are Robert Kohler, a German American and John O'Connor, American born, who has five sons in the war. On the seventh are Wm. Reynolds, American born, and James McDermott, Irish born, and on the fourth a man named Fried and John Kane. All are humane men. They extend birthday greetings today as they leave for their homes at seven o'clock.

July 25th to 30th. The weather this week has been warm and very uncomfortable. The tier men struck and refused to work. I helped McCarron adjust the trouble. For exercise I box with the open hand and run foot races around the tier. Exercise is good here. I take an hour's walk in the yard every day. Father Evers calls occasionally. Several priests have paid me a visit. One came from Dublin, another from Canada. They asked to meet me. I hope they weren't disappointed.

July 31st. My wife called at the Tombs to see me for the first time. We visit and talk about the family and other things. She looked well—today.

August 1st to 31st—

A month of Dante's Inferno. Heat such as the Tombs has never seen before makes my stay here warm and memorable. I am suffocated at night by sultry heat, scorched by day by torrid heat. At night about 10 o'clock I throw up entrenchments against crawling things. No system of cleanliness can prevail in a place where unkempt, dirty men are constantly coming and going. There is some consolation, however, in the thought that they have the same visitors in France. During the month I aid in securing the release of three British sailors from the Adriatic, arrested for assaulting a negro sailor on the same boat. Apparently England's white and colored subjects don't get along very well together. I did it because one had a starving father, and the others starving wives and children in Liverpool, and yet I am accused of being anti-British. These boys couldn't get a British subject in New York to help them, and I succeeded in turning them loose. I used my legal knowledge, of course, and charge them what I always get here—nothing. That makes about twenty-five boys or men I have succeeded in helping out of this place. The list includes the Frenchman from Massachusetts and the young Irish-American boy who was accused of robbery in the first degree. I also induced one man to tell the government the truth about his mail peculations. In doing so, I aided my enemies, the Secret Service, to solve a mystery which had baffled them. In another case I aided in freeing three American sailors in uniform, by showing them how to interest their local Congressmen and by writing their letters for them. In the case of one sailor I succeeded in interesting Josephus Daniels in his case by writing letters for him. Judge Learned Hand suspended sentence on them and out of his own pocket paid their carfares home.

Judge Learned Hand is a true instrument of justice. He allays crime by mercy, judiciously exercised. If any man imagines that crime is not allayed by mercy let him spend a few months in the Tombs and learn how men are hardened and embittered by judges who are said "to have no use for Italians" or, for "Jews" or, for the "Irish" or for "Negroes" irrespective of the merits of their cases. The judge who is unnecessarily severe makes criminals. The judge who permits race hatred to add to a sentence makes anarchists. He may send one particular man away for twenty years but he hardens a hundred others who curse him when that man cursing himself comes back from Court.

XIX

THE "SLACKER" RAID.

September 1st to 30th. Things of importance have transpired during this month, notably the "Slacker" Raid.* On September 23d, I was placed in what is known in the Tombs as "a line up."

One night while endeavoring to sleep, I was disturbed by the telephone ringing. Jack Funk, my keeper, answered the call and said, "They are sending down about three hundred slackers." In about half an hour approximately fifty young men came herded up stairs, the steel doors clanged and they marched over to the keeper's desk. The newcomers seemed more or less dazed and gazed around in bewilderment at the barred scene which confronted them. Some were well dressed, others were slovenly and unkempt. I had read about the raid in which the secret service men, United States Marshals, the American Protective League, soldiers and sailors, fanatics and busybodies went through the city and arrested every man who looked within the draft age and who had no card. The prisoners were packed into moving vans and automobiles and whisked away to armories without a chance to explain. White men had been arrested by negroes, confusion and consternation prevailed everywhere. Men were frantic and wives awaiting their husbands were apprehensive when they did not return home because Mr. De Woody and Marshal McCarthy had them in custody. Well, here they are. Keeper

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* The "slacker" raid was a coup organized by the Department of Justice in which soldiers in uniform, police, special United States marshals, United States marshals, members of the American Protective League, a secret association authorized by the Department of Justice to assist it, the Home Defense Guard, and promiscuous others, whites and blacks participated. Without warrant, citizens were arrested indiscriminately if they appeared to be within the ages of twenty-one and thirty-one and could not produce at the moment a draft registration card. The armories and other public buildings were filled with indignant citizens who were held all day and all night without permission to communicate with their families or friends. Some of them found their way into the Tombs. These raids created widespread consternation and protests, violative as they were of the constitutional right of the theoretically sovereign citizen.

Funk is alone. He has two tiers on his hands. His clerical work is considerable. Here are fifty men who could mob him, take his gun away and turn every prisoner in the Tombs loose. He comes to my cell and says: "Jerry, will you give me a hand with these slackers?" I am delighted. He opens my cell, and I become a clerk. My duties are to take their names, and the slips given them downstairs by the Department of Justice and make a record. After doing so I assign them to cells.

One "slacker" is in tears. He runs a vegetable store, went a couple of blocks from his home, left his wife in charge, was grabbed by a member of the American Protective League and whisked away to jail. "My wife will die," he wails. "I must telephone her," but he cannot, poor fellow. Another hands me his yellow paper and I note at the bottom, "This man is a Finn, detain him." This case is very interesting. A man over the draft age is detained because he is a Finn. Finland has won her freedom; thus making Finns here the enemies of our country. Shame! Is this Wilson democracy? Apparently it is the democracy of the Administration now in power. There are other cases, one worse than another, all outrageous. Of all those men arrested, the most complacent are those of Irish blood. They have a sense of humor and laugh at their predicament. All of them are talking about the new-born "Democracy."

Most of these men are released the next day—but some of them remain in prison until September 23d. I receive notice that the Department of Justice wants me for identification purposes and that the Warden has ordered a "line-up." Keeper McCarron scurries around for about twenty men who are to stand in line with me. I am to stand amongst them. A man, I know not whom, is here to identify me. I wear little except a shirt, so I put on my coat and hat, take my pipe, some tobacco, leave my cell and await developments. I am not a bit disturbed, although the Department of Justice has my photograph, and I have no doubt that whoever has come to identify me has studied the picture and that Agents of the Department of Justice have informed him of every detail to aid in the identification. I am no criminal, and although my face has taken on that pallor which comes to every human being confined in murky cells shut out from the light of day, that fact will help him if he is intent upon mischief. About twenty burglars, murderers, pickpockets, robbers, bond-thieves, criminals of all types are assembled. We are placed in line by Keeper McCarron, who assures me that I'll get a "square deal." He informs me that the man is down on the second tier now trying to identify Willard J. Robinson. I cannot understand the purpose of it all, unless they are deliberately endeavoring to "frame me up." However, this is a decided improvement upon the method employed by Mr. Mathews, when, upon my arrival from the West, I was put in a chair, asked to stand up, alone, before several men who were brought in and asked, "Do you know that man? Ever seen him before?" The telephone bell rings. Keeper McCarron answers, and says: "They are coming now. In the 'line-up' on the second tier a murderer was picked out for Robinson." I was delighted to hear this. "Get in line!" shouts McCarron. We fall in as soldiers do, upon command. I take my place alongside a well-known pickpocket. A gong rings on the tier below. "All ready!" says Keeper McCarron. The gate leading to the fourth tier opens and up the stairs step three men, with Deputy Warden Bremel, in full uniform. Surely, this is a solemn and dramatic scene. It reminds me of a lodge initiation. Every man in line stands like a soldier at attention, head erect, gazing towards the group which has just entered. "Where is the man to make the identification?" asks Keeper McCarron. "Here he is," says a clean-cut, dark young fellow with a soft felt hat. "Who are you?" asks McCarron. "An agent of the Department of Justice," he replies. "Stand over there" requests McCarron, directing him to the rear, where he is placed out of communication with the person assigned to make the identification. An elderly man with the party is also ordered to "stand back." "Is Jeremiah A. O'Leary in the line?" asks Deputy Warden Bremel. "Jeremiah A. O'Leary is in the line," answers Keeper McCarron. Turning to the man who is to make the identification, Deputy Warden Bremel remarks: "Jeremiah A. O'Leary is in the line. Look the men over carefully, back and front, take your time and be sure you have the right one before you make your pick." The man, pale and visibly nervous, turns and faces the line. I have never seen that face before. He looks very anxious and afraid he may make a mistake. This is a very tense and dramatic moment for both of us, particularly for me, when I know that the man before me has been studying my picture and, unless he is a fool, should be able to pick me out anywhere from it. He starts at the head of the line and studies each face carefully. He looks at me and passes on. The pickpocket alongside me, he studies for at least three minutes. As he stands there the thief looks up, down and to the right and left, feigning nervousness. He lurches forward and backward, and anxiously moves his hands. The identifier watches him and for a moment is on the verge of picking him out, and no doubt would have done so had he not made the terrible blunder in the case of Willard J. Robinson only a few minutes before. Every eye in the line is now straining. I almost laugh outright as he watches one of the most notorious pickpockets in the country, who is serving six months for merely riding on a surface car. The identifier suddenly decides to look over the rest of the line. Perhaps, he has been so advised. He walks along studying each face. When he reaches the end of the line, he stands off and again surveys it. It is apparent that every man wants to be identified except myself. After spending fifteen minutes in observation, going back over the line this time from the rear to the head of it, he finally says, "He is not in the line." He is not in the line! That means the man he has in mind is not before him. I watch the Agent of the Department of Justice, excited and disappointed, flushed with anxiety. He now moves toward the identifier and makes a motion, says something inaudible to me. In an instant Felix McCarron jumps towards the Agent and says, "None of that! None of that. You can't do that around here. Every man here gets a square deal," at the same time placing his hand against the Agent's chest and forcing him back to his original position by a powerful push of his powerful arm. The Agent then says, "Have them take their hats off?" He is desperate—plainly and bitterly disappointed. He said something to McCarron in anger and received this rebuke. "I don't care who you are, you can't pull off that stuff around here." Later I learned the agent said, "I am from the Department of Justice." The whole party left the tier for a few minutes. The men in line removed their hats and I changed position leaving my pickpocket friend standing this time alongside a man charged with murder. The party returns and resume their original positions. This time the identifier has assumed a more confident and determined appearance. His pallor has gone. Our hats are off. My hair is his only, his best hope. I have hair which now is a decided menace. Any man would pick me out by my hair alone, so I prepare for what I believe is quite likely to happen. Fortunately there are two other men in line whose hair resembles mine. On these I place my only hope. He begins again, taking a survey of the line, this time from the head of it. The first thing and practically the only thing that seems to interest him is the hair. He looks at the hair of every man in line. He has clearly been specially instructed upon that. He studies the first man in line with curly hair, then passes on to me, and studies me about half a minute. I look him straight in the eye and as he passes by me, I smile. He goes to the third man with wavy hair and strange to say studies him for about five minutes, he come back, looks at me in passing only casually, returns to the head of the line, takes a last look at the other man with bushy hair, turns to the Deputy Warden and says, "He is not there." The keeper answers, "All over, go to your cells." Following orders we walk around the tier to our respective cells, and gossip about the identifier of the Department of Justice and his methods. The men are happy. Their sympathies are with me. The pickpocket almost wept because the man did not pick him out as Jeremiah O'Leary. "I had a cud of tobacco in my mouth," he says "and I would have given it to him between the eyes." Such was his cultured and dignified remark. The gossip of every man centred on the effort the Agent of the Department of Justice had made to reach and speak to the identifier. "He wanted to point you out," they said. "Gee! wasn't he sore?" was another remark. But the thought uppermost in my mind was this: if an Agent of the Department of Justice would do such a thing before my eyes and before so many witnesses, what will he do when he is alone and perfectly safe from observation and detection? If this is the kind of justice I am to receive, then God help me, and God help American justice! However, the experience was thrilling and well worth the anxiety of the exciting half hour through which I had just passed.

Subsequently I learned that the Government had several other witnesses to bring in, but to date they have not appeared. Apparently, Warden Hanley's fair methods are not the Government's. Had I been forced to stand alone and the identifier in my presence, had been asked, "Is that the man you saw?" he would have answered, "Yes," because when he found he had failed he seemed to feel as disappointed as the Government agents present, one of whom went through all kinds of contortions, facial and manual, as the identifier stood for a minute before me. Such a method of identification as the one described—the line-up—is unquestionably fair, providing the identifier is not coached by a photograph or by suggestion and is compelled to act upon his memory. I have seen several line-ups since I have been here, and only in two cases have the identifiers picked out the proper man. In both cases they went directly to the man and recognized him without hesitation. Where the identifier hesitates and studies, his conduct is conclusive proof that either he doesn't know his man or is acting under instructions.

Another incident worthy of an entry in my diary occurred during this month of September. While the slacker raid I have described was being conducted, there appeared on my tier a man who was "planted" there by the Department of

Justice to watch me, and if possible, to engage me in conversation. He was not on the tier two hours before I knew his identity. Every man brought in is questioned and observed by the prisoners who are employed about the tier. These runners go errands for men locked in their cells. They are clever and quick to secure information, and have a loathing for what they call, "stool-pigeons." I am on the boy's tier where lads between the ages of sixteen and twenty-one are confined. Adults are not permitted on this tier. I was placed here specially by the Warden at the instance of the Department of Justice, because, when I came in, my brother John was confined on the first tier, Willard J. Robinson, on the second, Albert Paul Fricke on the fourth, Carl Roediger and other Federal prisoners on the eighth. The Government ordered the prisoners in my case separated so that we could not communicate with each other, and those orders were scrupulously obeyed, although for humanity's sake the Government should have kept political prisoners together and separate from criminals. As a result of this order the man whom the Government placed on my tier to spy upon me, was over age and every man on the tier knew there must be a reason for it. They soon learned that he was a Federal prisoner. They questioned him shrewdly but he could not explain the charge against him. In a moment of confidence, he told one of the "runners" that the Government was paying for his meals. The night he was first admitted to the Tombs he sent a note to Keeper McCarron by one of the tier "runners," directing that a telephone message be sent "to Mr. Burke at the Custom House." The "runner" told this to another prisoner and in due time the gossip came to me. I knew this Mr. Burke to be one of the secret heads of the Department of Justice in New York. The cat was out of the bag. I began an inquiry and soon found out about the Government's order to the Tombs' restaurant. In a few days the "spy" was buying meals for the "runners," and spent much of his time loitering about my cell. All the prisoners knew he was a "spy." In the Tombs the lives of spies are always in danger.

Accordingly one afternoon about 4 o'clock, I learned of this plot by two men charged with murder to kill the "spy." The plan was very simple. It was to go into his cell, throw a blanket over his head and kill him by crushing in his skull with a piece of pipe that had been unscrewed from the shower baths on the tier. It was providential that I learned of this in time. I immediately communicated my information to Keeper McCarron. The men involved were locked in their cells immediately and before they could do damage the "spy" had been taken out. If this plot had succeeded, I would be blamed and no amount of explanations would have saved me. Criminals in the Tombs have a murderous distrust of what they call "Stool-pigeons." Men who are sent into the Tombs disguised to intermingle with prisoners and secure information run great risk of being killed. Many have been sent to the electric chair by such men. "Stool-pigeons" were used in the Baff case, Musica, the man William Randolph Hearst exposed, being one notable instance. I count myself fortunate to have prevented a tragedy although the intended victim was trying to do me all the harm possible. The man would have been murdered, his body would have been found in his cell, no one would have heard it, and a mystery and tragedy that would have shocked the country would have resulted from the efforts made to ruin me. Matters of this kind are kept secret in the Tombs, because if published, they would serve to instigate similar crimes. The less the criminal knows about such things, the better. In such a case ignorance means more safety. The keeper is always in danger from such attacks. Very frequently through information from friendly prisoners, the keeper averts plans that may mean escapes and even murder. To unearth and discover such things is part of the duty of the keeper. His position is highly dangerous at all times. Criminals are always desperate. There is something about confinement, the lock and key, the restraint, the care and the precautions taken, which inspire prisoners to escape from custody—to break jail.

XX

EVILS OF SYSTEM IN TOMBS.

I have now reached a subject I have long intended to discuss—the unjust and inadequate compensation paid to keepers in the Department of Correction of the City of New York. It was a matter of painful astonishment to me, as I am sure it would be to the public to learn the miserably low salaries paid to these deserving officials. They begin work at 7 o'clock in the morning. Many of them, because of large families and the high rents, are forced to live in the suburbs where rents are cheaper, and must get up at 4.30 and at 5 a. m. to get breakfast on time for the day's work. They are compelled to work every alternate day until 7 p. m., twelve hours of vigil. Each keeper on a tier has charge of from fifty to seventy desperate criminals. Their duties are manifold. They must keep their tiers clean, a difficult task because, watch them as you will, prisoners are constantly throwing debris from their cells out on the corridor of the tier. The men are exercised an hour and a half in the morning and another hour and a half in the afternoon. They must be fed. The keeper must attend to that. There are calls for prisoners continually coming to the tier for the visiting house, for bail, and for counsel. There are people, runners and officials, constantly passing through three gates opening on to the tier which, kept locked, must be opened, closed and locked again. In addition, the keeper receives prisoners. He must keep books of record, must distribute blankets, keep the prisoners decorous (an utter impossibility) and with it all, must maintain a constant vigil so as to compel all prisoners to comply with the prison rules. He must be on the alert for saws, knives and weapons which might be smuggled in, must watch out for any efforts to smuggle in drugs, for the Tombs always has its drug fiends. He gets a day off once every other week and must work Saturday afternoon and all day Sunday. He has seventy-five working hours a week, while the working time of city clerical employees, who are better paid, are forty-five hours a week. Keepers receive from $1,000 to about $1,400 a year, determined by their years of service, whereas a policeman, who has comparatively easier work, gets sixteen hundred dollars a year for working eight hours a day, with fairly easy and restful reserve duty. The keeper has to guard from fifty to seventy desperate men, while one policeman rarely ever has to take into custody more than one. I have known four policemen to guard one prisoner under arrest, who, when brought into the Tombs, was placed under the care of one keeper, who had perhaps fifty other men, equally as desperate, to guard. Such conditions, besides being a menace to the life of the keeper, are dangerous to the community, because they place the latter at the mercy of desperate criminals who can easily take advantage of such conditions and "turn out" the prison. When it gets to 4 p. m. the keeper is physically and mentally exhausted from strain and labor. From four until relief time, seven o'clock, no human being could be anything but exhausted in such condition and may easily be victim of any desperate effort made for a general escape. Criminals like Vincent Gaffney have escaped from the Tombs and the keepers and the warden have been unjustly blamed. Their endurance is taxed beyond its limit. I know it because I have seen it.

These conditions in the Tombs are a public scandal. They are highly dangerous and menacing, and should be known. No keeper should be permitted to work over eight hours, no keeper should ever be on any tier alone, and a keeper's pay should be at least equal to a policeman's since his responsibility is incomparably greater and his duties are more trying because just as the prisoner is confined, the keeper is also confined. In a great municipality like New York such things are overlooked. The policy which causes such conditions may well be called "penny wise and pound foolish." The public press should take up this question and rectify it. It would prevent escapes, save keepers' lives, preserve discipline, protect property and do justice to men who are heroes daily by their service and sacrifice. The man who can keep under control the types I see here is both a hero and most responsible public servant.

Much is said about the policeman who arrests the criminal, but nothing whatever about the keepers here who control those savages and thus protect the community. The keeper requires more tact and intelligence than the ordinary policeman is ever called upon to exercise. Since prison methods have become humane, since the keeper no longer rules with bludgeon and physical fear, he necessarily must use tact and judgment, and about this place I have seen both exercised in an admirable manner. I am in no position now to direct public attention to this matter but, please God, if I ever secure my liberty I will try to do a much needed public service, by advocating a reform in our prison system. Should there be a jail delivery from the Tombs, the city administration, not the Warden and keepers here, would be absolutely responsible. Under existing conditions—conditions that can be known only to a man placed in my position—the people of the city of New York may expect a jail delivery any time. In my humble opinion the only thing which prevents one and which has prevented one, is the fact that the prisoners like Warden Hanley and don't want to place him in "a bad hole." Even criminals appreciate the warm, just impulses of the human heart. In the Tombs, kindness and tact are a greater force in keeping under restraint the thousands of desperate men who enter here annually than the prison bars. Yet the public should not depend altogether upon kindness and tact, since Hanleys, Quinns, McCarrons and McDermotts are not born every day. Some night or day there may come a "turn-out" in the Tombs as a result of the conditions I have described. Then, perhaps, jewellers, merchants and other business men may pay the price. When a prisoner escapes, he hides during the day and plunders by night. He must do this to get money to live. One desperate escaped criminal might organize a bank robbery, a jewelry robbery, or any kind of an expedition in order to get enough money to travel a long distance. This robbery might cost business men thirty or fifty thousand dollars, which a clever city administration might save by the inauguration of a humane system of working hours and by improving the morale of the keeper by giving him human wages.

XXI

IN THE PRISON WARD AT BELLEVUE.

October 1 to 10. My thoughts now turn to my coming trial, October 10. I'll be ready, although I doubt if it will go on. Later, my intuition is verified, as John, who has called to see me, says that, by arrangement with Assistant District Attorney Osborne, who, I have been informed will prosecute the case, the trial will be adjourned to October 24th. I'm content, although it means more time in jail. There are many things in preparation which have not been attended to and two weeks means a good deal in more ways than one.

The Spanish influenza has come to the Tombs. Outside, people are dying by hundreds and I am informed prisoners have been sent from here to various cemeteries to dig graves and bury bodies, owing to the inability of cemeteries to secure grave-diggers. Corpses are stacked up in great piles about the cemetery gates. Every day men are taken out of here, dangerously ill, and occasionally at night I hear the gates open and close as some victim is taken to Bellevue. I am worried about my family and pray that they be saved from the plague, for plague it seems to be.

October 10. I am brought to Court handcuffed. My case is called and adjourned to October 24th, when I am informed, it will surely be tried. I meet my wife and children and return to the Tombs disconsolate as I see them leave.

October 10th to 23d. The same old humdrum life—clanging doors, cursing, swearing, rasping keys, commotion, and human beings passing through, some to liberty, others to prison for long or short terms, some even to the death-house at Sing Sing—palls on every one.

October 23d. I fear the Spanish Influenza has attacked me. I have all the symptoms the newspapers describe. I spent the

Keeper Felix McCarron.

day in bed imbibing aspirin and rolled in heavy blankets. I have a fever, yet do not send for a doctor. I am determined to go to Court tomorrow.

My diary of October 24 says: Entering Court I find Judge Cushman of the State of Washington on the bench. Newspaper reporters, Messrs. Marshall and Osborne—my prosecutors—my wife, brother John, Mr. Felder and a few spectators are here. I drank two cups of heavy black coffee to stimulate me before I left the Tombs, and a slight nausea is the result. The Judge announces that the jury must be selected in "a couple of hours." Indeed! A couple of hours to select a jury to try a man against whom public passion, clamor, vindictiveness and wrath have been raised, and who faces a possible penalty of one hundred and sixty years! It looks very much like a cut-and-dried plan to railroad me. I ask my lawyer, Mr. Felder, to fight. He declines the issue. As a result of his refusal, sick as I am, I get up and fight myself, telling the Judge a few truths when he ruled arbitrarily that for the sake of haste I could not question the talesmen about their acquaintance with Col. Roosevelt, whom we satirized and caricatured in "Bull." After an argument, in which I made clear the necessity for the question, Judge Cushman relented and allowed the interrogations and thence became more reasonable in his rulings. When Court adjourned for lunch, I was in bad shape, and in Room 319, which had been assigned to me during my trial, I could not eat, being scarcely able to drink a cup of coffee. The case went on until 4 o'clock, when seven tentative jurors had been selected, after which court adjourned. I was taken back to the Tombs with a burning fever, and that night paid the penalty for my exertions. I never suffered so much in my life. I could get no water, because the spring faucet was too strong for me to press, and I had to stay there all night, locked in my cell, burning up with fever. Occasionally I took aspirin tablets, which Keeper McCarron had secured for me.

October 25th. When the time came to go to Court the morning following I arose and had to hold on to the bars of my cell door to save myself from falling. The Marshals came, and examined me, the doctor came, took my temperature and pronounced me ill with Spanish Influenza. They wanted me to go to Bellevue. I protested and was allowed to stay. I told them I was all right and pretended that I was stronger than I really was.

October 26th. Still ill. At 3 o'clock I am taken to the Bellevue prison ward. A new experience. Everything is taken from me, and in my pajamas I am put to bed amidst coughing and moaning patients who crowd the ward, all suffering from influenza. One poor fellow across from me is dying.

October 26th to November 6th. Still at Bellevue. Get up today. Mrs. Margaret McCarthy, a special nurse and old friend, is with me.

November 6th. Today I am visited by two Marshals and three physicians, who serve me with a Court order to compel me to submit to an examination. I am almost crushed by this act of judicial brutality. The Marshals stand over me, the doctors are ranged alongside of me. I am seated in a chair by my bed. My nurse is in tears. My wife comes in and collapses. My lawyers, doctors and everybody who can help me are in Court, where they are awaiting me, a convalescent from Spanish Influenza. So anxious are they to try me that they would kill me. They almost succeeded today.

November 7th. I am in bad shape after yesterday. When the doctors left I had a chill. A new doctor—MacKenzie, by name—has been assigned to me today, and although very weak and slightly feverish he orders me out of bed. I get out. My nurse is worried, but I don't care. I am helpless in their hands. Let them kill me if they will.

November 8th. Still weak and slightly feverish.

November 9th. Out of bed again by Dr. MacKenzie's orders. Today he put me through calisthenics and I almost collapsed. I told him I was weak. He did not believe me, and with more brutality than I ever thought a human being capable of, he tells me that the best treatment for Spanish Influenza is to keep the patient on his feet. At 4 o'clock I collapse. An hour afterwards I am in a raging fever, and between 7 o'clock and

2 a. m. the following day, I am told by Mrs. McCarthy that I came very near passing away.

November 10th. A new nurse, Miss Peggy Burke, has come to relieve Mrs. McCarthy. I am suffering still.

November 11th. Still suffering, though slightly better. Dr. MacKenzie calls and says I am all right. I'll attend to this brute at the proper time.

November 12th. Still very weak, although the fever has subsided.

November 13th. Still weak. My temperature on Saturday night rose as high as 105 degrees. My heart was kept going by stimulants, and my nurse tells me I was very near death. She is indignant and denounces the brutality of the Government, which she blames for it. I am quite grateful to Dr. Lonergan, for his attention during my crisis. Dr. Steinert was afraid to interfere.

* After lying in the Tombs throughout the fearful heat of the summer of 1918, my case was finally moved for trial for October 24th. I was suffering from "Spanish influenza," the epidemic then being at its height. Althought I was ill on the day before, having had bad chills, fever and the usual pains and aches, I nevertheless decided to report as being well enough to stand trial. When the Marshals McQuade and Bowler called for me I was ready, although weak and very sick. I thought I could fight it off, hoping it was not the dreaded influenza but an ordinary cold. After taking two cups of very strong coffee, I walked into the court room. Judge Edward E. Cushman of Washington was on the bench. The case began. I participated in the work of picking the jury, examining jurors on behalf of the American Truth Society, one of the defendants, my counsel, Mr. Felder interrogating on my behalf. At the very outset I objected to the jury panel from which Irish names were conspicuously absent. Judge Cushman endeavored to stop me but I was determined that the people should know what was going on. I demanded

to know where even the few Irish names which had been on the panel had disappeared, and found that they had been sent to other parts. I declared, "If an American of Irish blood is good enough to fight and die for his country on European battlefields, as the casualty lists show, he should be good enough to sit as a juror in an American Court of Justice." I also said a few other things that those responsible for the discrimination did not like to hear. At noon hour I could eat nothing. When the afternoon recess came I was in a state of collapse. When the afternoon session was ended I went back to the Tombs very ill, ate no supper, went to bed and spent a sleepless night. In the morning I was unable to leave my bunk. The doctor arrived, then the marshals, and finally, about noon, my wife, who was thoroughly frightened. The following morning, October 26th, I was removed to the Prison Ward at Bellevue Hospital where I was destined to remain until the following January.

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* While convalescing at Bellevue, I recorded this brief review of recent events.

Reflecting upon my experiences at Bellevue, I consider them extraordinary but I should not care to live through them again. The prison ward can best be described by saying that it presents a spectacle of criminals, sick. When ordinary human beings are ill they are miserable indeed, but criminals are more so. Ordinarily abandoned and desperate, they are pitiable in the prison ward. Some have relatives and friends, but many have none. When I arrived there, the ward—with a capacity of about fifty beds—was filled mostly with influenza cases. I was placed in a cot directly across from a man dying of pneumonia. In his delirium I could hear him repeat distinctly "The Valley of the Shadow, The Valley of the Shadow!" The "shadow" engulfed him the following day. I was then removed and placed alongside an unfortunate wretch who, dying of tuberculosis, had shot himself, the bullet entering just under the heart. He was held for attempted suicide. To my right was an aged derelict suffering from alcoholism who spent his hours raving and screaming. A short distance away was a dying drug fiend whose curses, ravings and vile language intermingled with pathetic appeals for "a shot" as he called it, almost drove me frantic. Such things did not help my nervous irritations, one of the pronounced symptoms of influenza. How any man could get cured in a bedlam like this, I could not understand. My wife asked the government for a private room. It was refused, although such requests had been granted before. However, I was agreeably surprised to learn that the government had consented to permit me to have a special nurse, and that Mrs. D. D. McCarthy, an old time "Sinn Feiner" had volunteered to attend me. This was a great aid to my recovery. Mrs. McCarthy seldom left my bedside, her companionship and devoted attention carried my mind away from my horrible surroundings, and my eyes as well, a screen having been supplied to shut off the view of the prisoners about me.

All went well for about ten days until November 2d when without any notice Mr. Osborne sent a physician to examine me. I objected. Why should the government want to examine me? Was I not in the government's custody? Were not my hospital physicians the government's physicians? There was my chart, my bed notes, a full record of my condition, the hospital physicians in charge—what more did they want? I grew suspicious because the physician sent—Dr. Henry E. Hale—was the same man who had pronounced Dr. Carl Buenz, the Hamburg-American Line Director, physically fit and able to serve a sentence of two years. Buenz died about two months after he arrived at Atlanta. I knew this and objected. I was afraid of a plot to force me to trial while yet a sick man. There were rumors that an armistice was about to be signed and I thought that Mr. Osborne was determined to force me to trial while I was still ill and planned to justify such conduct by a report from Dr. Hale, who could not possibly know my condition or understand my case like the attending physician, a Dr. Stephen Jewett of the Hospital Staff. I objected and refused to permit him to examine me. Finally, upon an agreement by Mr. Osborne to permit my own physician, Dr. George Stewart, to be present, I consented and was examined —Dr. Hale finding I was still suffering from influenza, stated that I would require at least a week before being put on trial, although I thought it rather strange and unusual for a sick man, particularly one suffering from "Spanish Influenza," to go from a hospital to a court room and face a two month's trial. Usually such a patient needs a period of convalescence. Up to this I had not been out of bed and judging by my weakened and highly nervous condition, I doubted if I would be able to get up in a week, much less to leave the hospital.

The week flew by. I was unable to get up. The government was nervous and I was told had been making urgent inquiries. The day my trial was set Mr. Osborne actually sent a Marshal to the hospital after me. I saw him pass in and pass out of the ward, and wondered. Finally on November 6th, three physicians and two Marshals with a court order directing me to submit to an examination suddenly appeared. I was sitting in a chair at the time. I was at once thrown into a state of nervous excitement, my heart palpitating and perspiration running from every pore in my body. I read the order of Judge Cushman which follows:

At a stated term of the United States District Court held in and for the Southern District of New York at the United States Court House and Post Office Building on the 6th day of November, 1918.

Present:

HON. EDWARD E. CUSHMAN,
District Judge.

UNITED STATES,
against
BULL PUBLISHING COMPANY, AMERICAN TRUTH SOCIETY, JEREMIAH A. O'LEARY, and others.
ss.:

The cause coming on for trial on this 6th day of November, 1918, and the defendant, Jeremiah A. O'Leary, having submitted an affidavit verified by George R. Stewart, a physician, residing in the City of New York on the 4th day of November, 1918, to the effect that the physical condition of the said defendant, Jeremiah A. O'Leary, was such that his attendance in Court would endanger his health.

Now, therefore, in order that the Court may determine the physical condition of the said defendant, Jeremiah A. O'Leary, it is hereby ordered that upon the presentation of a copy of this order to the said Jeremiah A. O'Leary, that the said Jeremiah A. O'Leary submit to a physical examination of himself to be made by the three physicians herein designated and appointed by said Court for the purpose of conducting a physical examination of the said defendant, and informing the Court of their opinion as to his physical condition, and it is hereby

FURTHER ORDERED that the following physicians: James A. Miller, Henry E. Hale, Clarence H. Smith be appointed and designated for the purpose of examining the said defendant, Jeremiah A. O'Leary, and reporting to the Court under oath after such examination their opinion as to his physical condition, and as to whether his attendance in Court would endanger the health of the said Jeremiah A. O'Leary and it is hereby

FURTHER ORDERED that the said physicians make such a physical examination of the said O'Leary as in their judgment is necessary in order for them to determine his physical condition, and that they report to the Court as soon thereafter as possible their opinion as to his physical condition, and as to whether his attendance at the trial of his case at this time would endanger his health and it is hereby

FURTHER ORDERED that in case the said defendant, O'Leary, refuse to submit to said physical examination that the Marshal of the Southern District of New York produce him forthwith in Court and that his trial proceed.

ENTERED

Edward E. Cushman,
U. S. D. J.

After reading Cushman's order, I said: "Gentlemen, this is not an order but a blackjack." I asked for the hospital doctor, and was informed that he had been subpoenaed to court by Judge Cushman. I had my lawyers, including my brother John, telephoned for and was informed that they, too, were in court before Judge Cushman. I then had my nurse telephone to my physician, Dr. Stewart and learned that he, also, had been subpoenaed by Judge Cushman. I saw then what I believed was a vile brutal plot—the sending of three physicians and two burly marshals to my bedside, while everyone who could help me had been ordered to court—and that I was to be examined on an order obtained in Star Chamber proceedings without notice to my lawyers or physicians, and that if under such circumstances I refused, I was to be dragged to court, I therefore decided, sick as I was, to refuse the examination. I requested the nurse, Mr. Gray, in charge of the ward to get my clothes, and call an ambulance as I had been ordered to Court. I then demanded that the Marshals carry out the brutal order of Judge Cushman, obtained no doubt upon false representations made by the Department of Justice about my condition. The Marshals did not move. I felt myself growing weaker, and very dizzy and my sight began to grow dull. I could feel my heart beating hesitatingly. I seemed scarcely able to catch my breath. Just then I heard my wife scream, "My God, they are trying to kill him." She had just come in, not knowing what was going on. The next I knew one of the physicians ran to the telephone, returning almost immediately saying: "It's all right; its all off." He had telephoned to the Department of Justice. What was said I know not. Out of the ward they all ran as though they had done something wrong and were ashamed of their conduct. One, at least, should have remained to attend me. My wife, who had come in to visit me and who collapsed upon observing my condition, came over to me weeping and hysterical. My nurse placed me back in bed. Mrs. McCarthy told me afterwards that my face had turned blue and ashen. They had desisted in time otherwise they might have had a corpse to examine or to take to court and place on trial. My heart had been weakened by the "Spanish Influenza," I had been and was still suffering from the disease, but that mattered little to those in the Department of Justice who were endeavoring to outrage nature in order to place me on trial before the armistice was signed. This I later learned from events which followed during the next few days.

The Department of Justice had not finished its cruel work. Although what I have here related had greatly weakened me and set me back, I was ordered out of bed the following day, Thursday. My physician, Dr. Jewett, a humane man was discharged from my case and another physician, MacKenzie, a cruel doctor, acting no doubt under orders from or inspired by the Department of Justice, ordered me out of bed. I protested in vain. Although weak, sick, and unable to stand, I was ordered out of bed, I obeyed. On Saturday the price was paid. Dr. MacKenzie called Saturday morning, compelled me to walk around the prison ward, would not permit me to sit down, then ordered me to raise and lower my arms—as an athlete might—over my head and down again, and to repeat the operation. All of this I did only by the exercise of will power because I had no strength. I protested but my protests were vain. When he finished, I fell into a chair in a state of collapse. That afternoon Doctor MacKenzie ordered me out of bed again. After being up two hours, I collapsed completely, my temperature ran to 105 degrees and for nine hours—from five in the afternoon until two o'clock in the morning—I hovered between life and death, being kept alive by the administration of a powerful heart stimulant. Dr. MacKenzie was at dinner and when informed of my condition refused to come to me although he had issued orders that no other physician should touch my case. It was not until the lapse of six hours that Dr. Steinach, of the hospital staff, despairing of Dr. MacKenzie coming, finally undertook to treat me. As the direct result of this brutality, I was compelled to secure a night nurse, Miss Margaret Burke. I suffered a relapse by reason of which I was confined at Bellevue until January 8, 1919. What was left of my nervous system was completely shattered, my hearing has become permanently impaired, my heart affected and I am left a wreck of my former self.

But the Government had defeated its own purposes. Instead of speeding my trial they vindicated the apothegm "more haste less speed," with the result that while all these things were transpiring, the armistice was signed, the war fever, hysteria and fanaticism passed and I was thereby enabled to secure a trial tolerably fair considering the passions which had raged only a few months before. But the government, in the sacred name of the American Republic whose humane traditions it had ruthlessly violated, had written a chapter which I now record with a feeling of shame and humiliation and which I know every red blooded American will regard with disgust. Even were I the most despicable criminal, I was nevertheless a human being and entitled to be treated as such, but no! according to the ideals of those who were persecuting me, any means justified the end. Perhaps if I had been tried as a sick man, unable to defend myself I would have been convicted, my very weakness would have been accepted as evidence of guilt. Perhaps, too, the perjury of Martin, of Gonzales and the rest would have been regarded as a patriotic duty instead of being received with silence by the press and disgust by all those who observed it. At a time of passion this perjury would have been welcomed with acclaim by those howling for my life. When my trial finally began, I was still very weak and grew strong only because Judge Hand ordered the Marshal to give me a good supper each night, a meal which digested outside the environment of a prison cell, built me up so that I secured sufficient strength to bear up the eight hard weeks. America is indeed a strange, wonderful place. What one judge does, another undoes! Where one department of the government is brutal, another is humane! I should consider myself remiss and unappreciative if after what I have written here of the Department of Justice as it was constituted in 1918, I did not pay a tribute to the humanity and kindness of others, to which I, and I hope my fellow Americans, can point with pride as a vindication of the conviction every real American possesses that where one act of injustice has been perpetrated there can always be found an American either to undo or ameliorate it.

November 14th to December 1st. Am convalescing slowly.

December 1st to 24th. During this period I have regained some of my strength, yet I am still weak and very nervous. I have observed that my hearing is slightly impaired, my heart palpitates, and occasionally I have a suffocating sensation, which comes from the heart. My stomach is very bad, causing me belching after meals, something I never experienced before. The influenza has done this and Dr. MacKenzie's brutality has aggravated it. Sometimes I feel depressed and melancholy—a new sensation for me. I thank those who caused my relapse for their brutality. I can't believe it was deliberate. I rather prefer to place it to overzeal or anxiety on the part of young men charged with the duty of prosecuting me and driven forward by pressure from Washington. I want to pay my respects to the good Carmelite Fathers, whose church is only a block away, to the Chaplains of Bellevue Hospital, to John O'Leary, a cousin, a grocer in the neighborhood, and the Misses Mary and Bridget Skelly, Irish girls with golden hearts. These men and women have constantly attended me. Not a day passes that "Joe" Eastman, a novice at the Carmelite priory, and Sister Clara, do not visit and bring me chicken, fruit and other delicacies sent by Father O'Connor of the Carmelite order. Father Maginnis visits frequently and comforts me with his newsy chats. Fathers O'Flanagan and Slattery have given me many a pleasant call, while Father O'Farrell, fiery patriot, has not forgotten me. When on duty he visits this sad and melancholy place. As long as I live, I shall never forget the constant kindnesses of these good priests. True missionaries are they who understand the sufferings of the sick. They have visited and attended the sick and dying here for many years, prayed with them and over them, as their souls were passing from this wicked world to a paradise made possible by their spiritual care. Few people know the nobility of their work. Their rewards are awaiting them in the great storehouse of blessings whence has emanated all we have and are. The Skellys have kept me in constant touch with the outside world. With the constancy of sisters, in rain and snow, they have come and brought words of cheer. Outside of my counsel and family, they are the only ones who secured the Marshal's pass, a necessary essential to visit me here. I also want to record here the fidelity of others. Many women of the Irish Progressive League and of the Irish Women's Council have called or sent flowers, candy and cigars. Father Patrick J. O'Donnell has been here and passed a few hours with me on the balcony. But the greatest joy of all has been the constant visits of my devoted wife, who since July 31st, has not failed to pay me a daily visit except when prevented by illness. My children, Robert, Gerald and my only daughter, Gertrude, have been frequent visitors, while Stephen, the youngest, has forgotten me entirely. He actually bawls when I take him in my arms. My nurse, the always faithful "Peggy" Burke, who can prove her Irish spirit by the fact that she was born in Clare, which first honored De Valera, is my constant companion. She saves me from association with the sick and convalescent criminals confined in the prison ward—a great aid to my recovery.

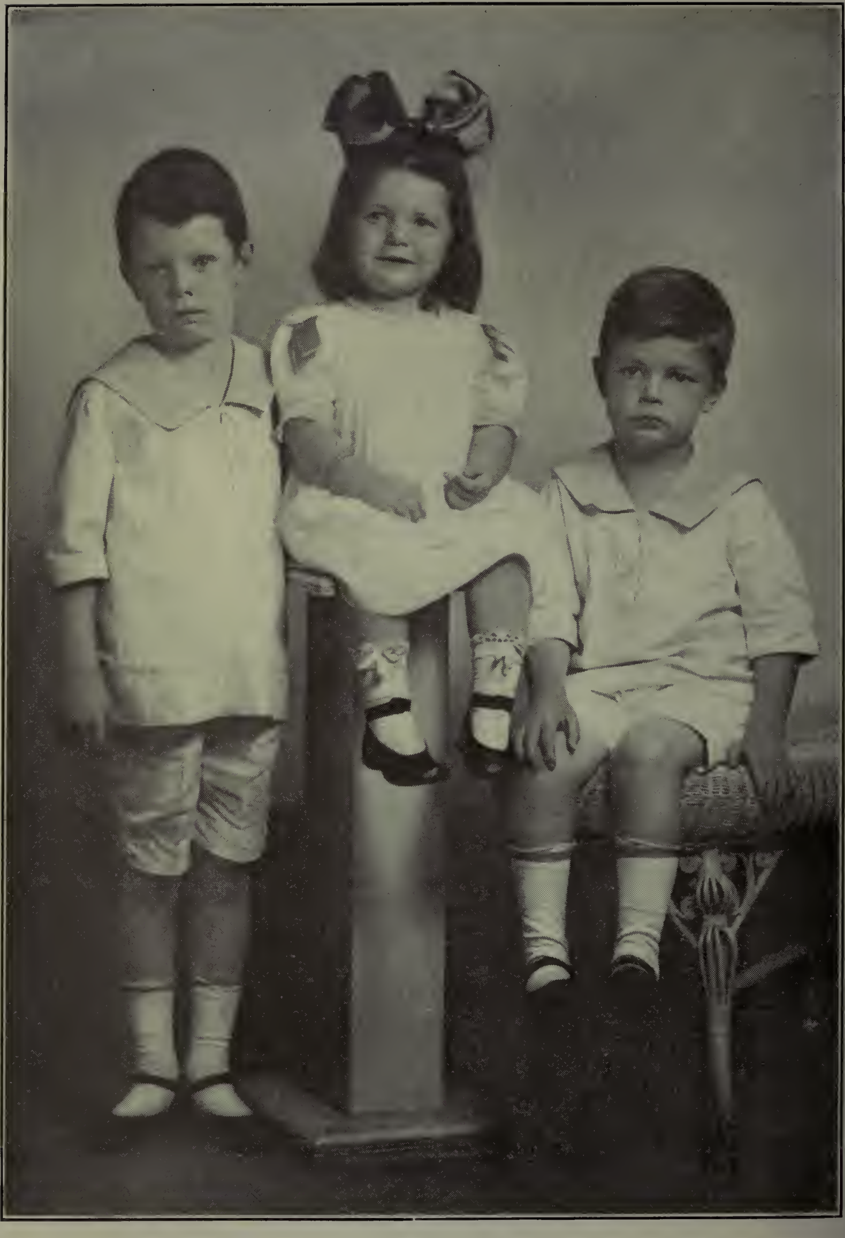
XXII

HAPPY CHRISTMAS IN HOSPITAL.

December 25th. Christmas Day. At 4.45 I am awakened by the strains of that beautiful song, "Holy Night," by Franz Gruber. I sit up in bed to find other prisoners in the ward doing likewise. The night orderlies open the windows while those who are able to leave their beds do so. I put on my bathrobe and go to the window beside my bed, and there, outside through the night, see the faces of forty nurses illuminated by candles. Each one carries one in her hand. In a procession of twos, they march slowly and solemnly about the great court outside, around which the hospital buildings are built. It is very dark, nothing but their faces is visible. The glow of the candles, the murky night, the visibility of faces moving like ghosts slowly along, the solemn echo of forty voices chanting a beautiful Christmas song, carry me into spirit land. The whole thing is spooky, yet solemn and beautiful. Feelings of awe are succeeded by inspiration and then by thoughts of home. Christmas has never dawned upon me in such a striking manner before. A strange feeling comes over me. The faces of those around the prison ward show that they are similarly affected. I have often heard music floating over the water on some still, starry summer night, as I rowed a boat over some lake in the mountains. Those were occasions when music seemed sweeter than ever before, but now enhanced by the situation in which I have been placed and the weirdness of what my eyes behold—eyes just opened from a deep sleep and still blinking with the dust of the sand man—I am moved almost to tears. After ten minutes, this dream, as it might very well be called, passes away, leaving nothing but the faint echoes which shall remain with me like a memory forever.

The day passes. In my mail I receive numerous Christmas cards from kind friends, every one of which I read, with feelings of gratitude since each tells me that I have not been forgotten. One, however, is missing, that of an Irish leader, the only one who has forgotten me in my present predicament. I think of Peter and the cock crowing thrice, of De Valera and the boys in jail in Ireland and England, and compare the policies of Irishmen in Ireland using British persecution to arouse the Irish people with the policy of Irishmen in America where it is taken as a matter of course. If by any chance I should be convicted, all right, I am a criminal. If I fight my way to liberty, all right, I am a patriot. I am left to shift for myself. The Socialists are protesting the persecution of Socialists, but with the exception of the Irish Progressive League and Progressive Leaguers, the Irish Women's Council, and a few branches of the Friends of Irish Freedom like the Columcille, the Holland, the McDonough, the Sean McDermott and the Carmelite branches, I am forgotten. I know my people have me in mind. These cards I received today—mostly from the women—prove that, but yet no determined program has been laid out to advance the great cause by using the sacrifice I and others are now making. Such a helpless do-nothing policy appears to me to be stupid and inept, as it is un-Irish and un-American. Free speech and free press were given to the American people by brave men. Those rights denied to me, and for whose triumph I am now contending and making great sacrifices are the very foundation upon which the Irish in America must stand to accomplish any results towards the emancipation of Ireland. Before Irish-Americans, and even America herself can aid Ireland, America must be free. A people muzzled are a people in chains, a people speechless are a people enslaved. Whoever dreamed that this mighty Republic of 100,000,000 people could be silenced by one man? It has been done. I thank God that in my case only these prison bars around me have stifled my voice and yet for aught I know my voice may at this moment be more far-reaching than ever before.

The Carmelite Fathers have sent me a good turkey dinner. My wife has sent me another, and lest I might be without one,



Robert Emmet, Gertrude, Gerald—Three of His Children.

the good Skelly sisters have sent me another. The Moran girls have called, Father O'Donnell of St. Francis de Sales has sent cigars by his cousins, the Keanes, Mrs. Grover A. Whalen has sent fruit, from the family and friends in Glens Falls, a large box containing cigars, cigarettes, tobacco, candy, fruit, stockings, neckties and other gifts have come. Mary Brennan, Dr. Gertrude B. Kelly, Mrs. D. D. McCarthy, Miss Nora Rutledge, the Holland Branch of the Friends of Irish Freedom, and Clara, the Carmelites' maid, have not forgotten me. My wife has sent a beautiful palm, surrounded with flowers. My children, Robert, Gerald, Gertrude and even little Stephen have sent their gifts, while Mother and Father, Brothers John, Arthur and Dan, Sisters Marguerite and Alice have remembered me. The Prendergast girls, my wife's cousins, have added to the collection, while Lieut. Powers, father of Annie Powers, a friend of my wife, called personally with a five-pound box of delicious candy. The ever-faithful and devoted Morris family from Far Rockaway have been most generous. A namesake, Jeremiah O'Leary, and his brother John, cousins, call with cigars and edibles, as does also Stephen W. Johnson. Mrs. Ethel Crookes, of Philadelphia, sent me a cake, and from every direction came either gifts or words of sympathy and cheer. John R. Jones, my legal associate and his wife, call upon me. From 10 a. m. until 5 p. m. my corner is filled and my bed surrounded by devoted friends, whom on this day the hospital authorities have very generously admitted to my bedside.

At 5 o'clock, by special permission, my wife and children come and I am happy. They bring phonograph records and for one hour give a concert to the prisoners, during which time my little daughter Gertrude—scarcely three years old, in a fairy dress of pink, so beautiful and sweet, the angel that she is—goes about the ward with a basket and gives to each prisoner a box of candy, wishing him a "Merry Christmas" with a bow and baby smile which would warm the heart of the most cheerless one. I have never seen so much joy anywhere as this little party gives all of us. Surely the chanting of the nurses during the darkness of the early morning began a day, dreary and cheerless for so many here, which has been brightened by the thoughtfulness of my devoted wife and the artless simplicity of Gertrude, my darling child. I have been lifted out of this melancholy place for a fleeting hour by the joyful voices of my children and the presence of my devoted wife, whose sunny smile seems to have its cloud of sadness. When the cruel door closed upon them as they depart before lights go out at eight o'clock, I am dropped with a rude thud back again into the atmosphere of the prison ward, accentuated by the rolling of beds as they are whisked about by the night orderlies, or the muffled steps of the night nurses making their rounds amongst the patients. Christmas day has been happy, but now I am sad and pensive as the reaction from the joy of it, the excitement of the day, brings its sorrows with the stillness of the night. Under my bed and about my corner are boxes of gifts which will present a problem for me during the next few days, first to protect them from the burglars about me and then to dispose of them.

My nurse, "Peggy" Burke, left early in the day. When she returns tomorrow we'll make an inventory of our stock.

Dec. 26th to January 10th, 1919. This period brings my life in the prison ward of Bellevue Hospital to a close. On January 7th I am removed from here to the Tombs. I am accompanied to the Tombs by my wife, my brother John, my nurse, "Peggy" Burke, and a Tombs keeper, "Johnny" Boyle. We depart in a taxi-cab. I am still very weak. The outside world seems strange to me and I am glad to reach the Tombs. My heart almost breaks as I part with my children. My wife is in tears. "Peggy," my nurse, is also in tears, but I smile at both of them as I kiss the children, perhaps not to feel their little arms again until the trial begins. It is set for next Monday, January 13th, but I am informed it shall be adjourned again until January 27th, a wise precaution, since I am very weak just now. The question is, can I get back my strength in the Tombs where strong men grow weak from confinement? I shudder as I contemplate what appears now the utter impossibility of this situation. As I am now, the

Government has a decided advantage. In normal health I could beat them easily. As a wreck of my former self, God only knows what will happen. My spirit is strong, but what good is a strong spirit when the body is weak? Yet I am confident of the outcome as I pray for strength.

XXIII

TRIAL AGAIN DELAYED.

Jan. 10. I go to court and my case is adjourned to January 27, when, I am informed, that, "it will be surely tried."

Jan. 10 to 20. John Gill is now in the Tombs, much to my surprise. I recognize his laugh and hear it every night. It is loud, hearty and distinctive. He is on the 7th tier. On January 14th I met him as he went down to the visiting house. We shook hands warmly. We were glad to see each other. I met Willard Robinson who greeted me warmly. I met him on January 12th as he went to religious service. He looks well after nine months in this hell hole, which, according to "Paddy" Howard, the keeper who brings us down to the counsel room, "gets" any man who has been in it for six months. But it hasn't "got" Robinson. He bears up well. Gill also looks good, although he complains of illness, and thinks it may be appendicitis. Gill's family is in bad shape. He gives me the following copy of a letter he has mailed and which I take pleasure in recording in this diary because it is a human document from a man who is suffering patiently.

Bellevue Hospital, New York City,
July 14th, 1918.

My dear Wife:

I expect to be operated upon for appendicitis. After several consultations and examinations by the doctors of the hospital, and others, I believe Government ones, they came to the conclusion that my complaint was real and that I should be operated upon. Well, I suppose I will and I know that I have other troubles besides the one discovered by them, which were aggravated by their inhuman treatment, lack of medical attention, denial of proper food and fresh air, etc. It really seems to me they want to finish me, and it seems strange too that they should act that way towards one who always stood up for

John Gill, Imprisoned in the Tombs in Connection with Case Because He Refused to Be Coerced.

American interests and America first. They will not let you have a letter from me unless it's mutilated and always delayed at least ten days and sometimes they won't let you have them anyway.

Now that Johnny has joined the regular army, after being in the government service so long, too, I thought he might stay at home till I got out of jail anyhow. I wish the poor boy good luck, and although not 19 years of age, he will, I am sure, be an honor to his name and his race, as well as his country.

I suppose little Frank who had to leave school in order to help provide for you and the little ones, will have a hard time working in that hot power house, and he is not over-strong either, but I'm sure the men will be kind to him. Just think how I feel about you and all the children, and especially Tom in France in the thickest of the fight, and his father in jail and not hearing from him nor he from me.

Just think, our two boys in the service of the United States and their father in jail without a charge against him, and you and my children denied the provision that a father could make for his children. Once more, imagine the officials representing our government doing the things that any husband or father would be put in State's prison for the crime of non-support. I'm sure if it were known the American people would not stand for that crime committed in their name. Now, if by any chance I will not come out of the operation O. K., don't forget to have an investigation of the whole affair and also an autopsy, because I would not trust people that would starve my children and you, deny me bail, proper medical attention and food, and deprive me of every constitutional right that every citizen is entitled to have, and especially so when you are not feeling well. My attack in Ludlow Street Jail on that Sunday evening was, to say the least, suspicious. May God protect you, Kathleen, Peggy, Laurence, Frank and Nell! I hope she and Steve will have good luck and that he will advance in the navy and be a good husband to my Nell. Johnny looks well in his uniform and is every inch a soldier.

I hope some day, if it is necessary, he will be as willing to fight for poor Ireland.

Just think, I volunteered twice but was not accepted and still they will not give me my liberty. They say I have some valuable information in the O'Leary case. Now, if I am to die, I still say that anything I ever knew about Mr. O'Leary was nothing but things that any honorable man would be proud of, and, as far as his Americanism is concerned, in my opinion, there are none better. About Mr. Robinson, I must say the same thing, although I know him only a short time. Come down as soon as you are able. I'm here among people with the most horrible diseases. I hope I may soon be out of here.

I hope those hell hounds from the "Department of Injustice" will not annoy you much longer. Instead of fighting men in France, they are persecuting women and children here at home, safe from danger. But there is a just God in Heaven and he will regulate things as only He can.

Keep up your spirits and pray for the return of Tommy and Johnny safe and sound, and above all pray for the return of sanity in our country, as far as the persecuting Government officers are concerned.

With regards to my friends and love to you and the children, I am,

Your fond husband
John.

P. S. I saw Matt McConnville who told me that the labor men would get a petition up for my release. I emphatically said "No." I want no favors, I only want Justice, and if I can't get that now I will suffer till I do. J. G.

I am also handed a letter from Willard Robinson, which I record here with a feeling of interest and satisfaction. Robinson has been a very much misunderstood and maligned young man. He has been set upon by the press because of his intense interest in Ireland's freedom. A lover of human liberty, young and eloquent, quiet and unobtrusive but withal a born fighter, he has become an enemy of the powers which seek to destroy me. I have heard rumors that he is going to be indicted for

Willard J. Robinson, Tried and Acquitted for Treason. Imprisoned for One Year Upon a Groundless Charge.

treason and placed on trial for his life. Many friends on the outside have written to me and asked me for information concerning him. So I sent him a note asking him for a biographical sketch, with the object of securing its publication. As a result he sent me, on January 16th a note with some particulars about himself, which I here record:

January 16, 1919.

Dear Mr. O'Leary:

I have your note requesting a biographical sketch of my life. Below, I have done my best to comply as briefly as possible:

I was born at Minot, South Dakota, of Irish Protestant stock. My paternal grandfather, Benjamin Robinson, was a member of the Young Ireland Party under the leadership of John Mitchel in 1847, and took part in the uprising under William Smith O'Brien in 1848. Benjamin Robinson emigrated to America because, to use his own words, "I was too Irish to suit the British Government and the British Government in Ireland was too English to suit me." My mother was a McCook, of the family of the famous "Fighting McCooks." My paternal granduncle, William E. Robinson, served in the American Congress with Abraham Lincoln, and was one of the men who was instrumental in causing Great Britain to relinquish its proud boast of those days, "Once a British subject, always a British subject." My father held the position of Postmaster in Minot, and was at one time Democratic candidate for the office of State Senator in South Dakota. He was defeated by a slight majority in what was at that period a normally overwhelming Republican state. While still a boy, I came East and lived in Summit, N. J. I graduated from the Summit High School at the age of 15 and worked two years in the printing office of the "Summit Herald," where I saved sufficient money to take a course in stenography and bookkeeping in a Newark business college. I held several positions in New York and vicinity and finally became a full-edged court reporter. At the outbreak of the European War I was connected with Merrill A. Teague, Publicity Manager for Charles A. Stoneham & Co., curb brokers, in the capacity of Secretary and Assistant Publicity Manager. Shortly after the great European conflagration broke out, Mr. Teague died, and I severed my connection with Charles A. Stoneham & Co., and took up law reporting in New York.

I knew my family history and was proud of my Irish heritage, regardless of the fact that I was not a Catholic. During my early youth I became fond of Irish history and took a strong interest in Irish affairs. One St. Patrick's Day, at the age of 12, I walked twenty miles from the suburbs of Summit, N. J., to New York, to see a great Irish parade. With 25 cents in my pocket I bought doughnuts and coffee, slept that night in a Jersey City ferry house, walked back home the following day, and got walloped by grandmother for my trip. Soon afterward the proverbial fatted calf was killed in honor of the prodigal. When the Easter Week Uprising of 1916 took place in Ireland, like most young Irish Americans I felt the inspiration. I was shocked at the utter brutality of the British in executing the leaders of the Rebellion, after they had laid down their arms on condition that they should be treated as prisoners of war. I learned that two second cousins of mine had taken part in the Uprising, and this increased my ardor. At that time I wrote this poem, "The Soul of Ireland," which I quote with pride and pleasure from my prison cell:

The cynics and scoffers and slaves had said
That the soul of the Emerald Isle was dead;
That the land of Emmet and Tone and O'Neil
Would ring no more with the clash of steel.
And they boasted too, with ghoulish glee
That Ireland never should be free;
That an Irish nation was but a dream,
And interfered with the "Empire scheme."
So they hurled their curses at Erin's sons,
Who seized the swords and manned the guns,
To fight for the soul of the Motherland,
Such "Treason" they could not understand.

No Irish tongue need fear to speak
Of how they fought that Easter Week,
That faithful, staunch, heroic few;
To give their lives was all they knew;
'Twas all that Irish hearts could do.
No Irish cheek need blush to tell,
How Patrick Pearse and others fell;
How sixteen Robert Emmets died,
For love of Ireland crucified,
By love of Ireland sanctified;
Or how brave Casement laid his head
At rest with Ireland's martyred dead.
"They died for what?," the timid ask,
"Why make such sacrifice?"
And from their graves the answer comes,
"We have but paid the price.
We died for the Soul of Ireland,
That Erin might awake;
And from her bruised and battered limbs
The despot's shackles shake."
Ah, England! From your tyrant's throne,
Well may you quake with fear,
As o'er the grave of Patrick Pearse
Rings out the Irish cheer.
What matters it to Ireland now,
How little England gives?
She may murder Ireland's hero sons
But, the Soul of Ireland lives.

The Irish revolt made me and many others in America active sympathizers with its purposes. Shortly after the Rebellion and the executions, several of my friends decided to hold a street meeting at 37th Street and Broadway, to protest against the lawlessness and brutality of the British Government, in executing the bravest and most intellectual of Ireland's manhood, and in sentencing hundreds of others to long terms of imprisonment. I made my first speech one evening in May, 1916. I felt encouraged and made several others. An organization was at once formed, called the "1776 Association," and I was chosen its first President. The aim of this organization was to propagate the principles of Jeffersonian Americanism and the cause of Irish Freedom on the street corners, it being my idea that the general American public could be reached more effectively by such a method, than in a closed hall. Meetings were held, principally at 37th Street and Broadway, but they were not confined to that locality. Speakers were sent to all parts of New York City. I wanted the Association to grow until the entire country was covered by vigorous outdoor speakers, who would fight for the preservation of American liberty and its handmaid, the freedom of Ireland. I realized that the press of the country was largely subsidized, and believed that the "Soap-box," as the street platform was afterwards called, was the only remedy to combat the evil influences which were seeking to destroy America's soul and to bring this nation back under the domination of Great Britain. The "1776 Association" wielded a tremendous influence in New York City, until after war was declared, when it ceased to exist under its old name, and became "The 1776 Branch of the Friends of Irish Freedom" under the leadership of Stephen W. Johnson.

I would prefer not to discuss my present predicament at this time, my lawyer having advised me not to do so with anyone. Suffice to say that the Government must put me on trial sooner or later, and at that time I'll take the stand and easily disprove all the outrageously false charges against me. I differed from you in the Mayoralty campaign of 1917. I supported Hillquit while you gave the support of your large following to Hylan, thus undoubtedly insuring his election. I took my stand as a matter of principle. As far as the City of New York was concerned, Mr. Hillquit was the only man who represented the principles in which I believed. He stood for free speech, a free press and freedom of Ireland. On these issues, Mr. Hylan was silent. I am not a Socialist, yet at that time I believed that the best way of rebuking the Powers that were seeking to destroy the spirit of true Americanism was by electing a Socialist Mayor of New York. I thought a large Socialist vote might have the effect of compelling the other two parties to adhere to the ideals upon which this great Republic was founded. I therefore campaigned for Hillquit at both outdoor and indoor meetings.

I wish you would convey my appreciation to the different Irish organizations and individuals who are taking an interest in my case. Although nearly all of my mail is being held up and even returned to senders, I have never doubted for a moment that the people on the outside who knew me have remained true. God bless them all! They do not care whether or not I'm a "far-down." They're with me anyhow. That is the spirit that has won in Ireland and that is the spirit which will win here in America. If, by any chance, you run across Gill, give him my regards. Gill is a real man. The only chance I will have to see you will be on Sunday mornings as I go to Church. How are you feeling after your long siege at Bellevue? You'll beat them sure when you go to trial on the 27th. Think of victory all the time and victory will be yours. Good-bye, good luck and God bless you.

Yours for the cause.

Willard J. Robinson."

January 20th. The afternoon papers say that Willard Robinson has been indicted for treason. Fine propaganda! Robinson has been in the Tombs since June 7, 1918. It is now January 20, 1919, and it's only now that he has been indicted for treason. Surely, something is strange about this. I understand its purpose as I read the lurid headlines: "Treason by One O'Leary Worker, Says Indictment." Isn't it strange that Robinson should be indicted, and yet the only name in the big, black headline should be mine? The public must be fooled! The purpose of this indictment is to refill the public mind with prejudice against me on the eve of my trial. Such are the methods of the Department of Justice, but I here resolve to frustrate their plans. I'll use this propaganda against the contemptible propagandists. Wait and see.

I have just read from the New York "World" a statement read into court record by Willard J. Robinson, upon his arraignment on the charge of Treason. It follows:

"This treason indictment against me is the most hideous travesty on justice that ever blotched the history of American jurisprudence. It is a diabolical species of political propaganda and official blackmail. Aimed ostensibly at me, it is in reality directed against the Irish Republican Movement, which I have never failed to champion, and which today challenges the attention of the entire civilized world—It is also filed at this particular time to prejudice the public mind against Jeremiah O'Leary, on trial in another branch of this court.

"Because I refused to bend the knee to wrong, however intrenched behind hypocrisy or buttressed by the gold of an alien empire, the word has gone forth to destroy me, unless I lend my aid in destroying others, who are even more obnoxious to the powers that be, than myself, and the threat of death and dishonor is held over my head, to compel me to reveal something which does not exist, and which the Department of Justice knows does not exist. But the breed from which I spring produces neither traitors nor cowards. I have just begun to fight.

"After eight months spent in jail, waiting for and in preparation of trial on another indictment, this new tissue of lies and distortions is presented against me. The first indictment states that I met Victorica on July 15th. The present one fixes the date as of July 7th. Some one has lied. Morphine is a wonderful aid to the imagination and drug addicts are the necessary concomitants of the epidemic of indicteritis so prevalent in the Department of Justice at the present time. I plead Not Guilty."

Let us wait and see which shall prove true—the government's indictment or Robinson's frank and manly statement.

January 21st. Another treason indictment, this time against John T. Ryan. Again the purpose of this indictment is manifested by the lurid headline which appears in the New York Journal: "Ryan Indicted as O'Leary Plot Aide!" The "O'Leary Plot Aide!" What O'Leary plot? Where has an

O'Leary plot been proven? And by whom? Here is another instance of propaganda by indictment. The Government must be desperate since it is using such unjust methods. Is this the reason why it adjourned my case from January 13th to January 27th? I shall see it all through. If they can't win without poisoning the public mind against me, their case is weak indeed.

January 22nd to January 27th. My last few days are spent awaiting the opening of my trial. I've been down to the Post Office Building conferring with my lawyers during the week. My brother, Arthur, just released from the Army, has volunteered to defend me. I am happy over this; my confidence is immeasurably increased. Arthur will represent the American Truth Society. Col. Felder will represent me personally, John, my brother, will assist them both. William J. Daly will represent Adolph Stern. The indictment against Luther Bedford has been severed from mine. He is now out of it. The defendants, besides myself, are: Adolph Stern, a clerk, Bull Publishing Company and The American Truth Society.

January 27th. After being in the Tombs eight long months, my trial begins. I am taken to court by Deputy Marshals Bowler and McQuade, who will have charge of me until the end. I have been assigned to Room 319, which will be my headquarters during the trial. I receive the good wishes of all at the Tombs, prisoners and officials, as handcuffed to the minions of the law, I leave and am whisked away in an automobile furnished by a kindly friend. I am to have this automobile until the trial is over. This brings my diary to a close. Another insidious peril now confronts me, but

"Out of the night that covers me,
Black as the pit from pole to pole,
I thank whatever gods may be
For my unconquerable soul."

PART III

My Political Trial

BY

Jeremiah A. O'Leary

THE STORY OF THE TRIAL
IN THE
FEDERAL COURT IN NEW YORK CITY
ADAPTED FROM THE
OFFICIAL RECORD OF TESTIMONY

I

ON TRIAL AT LAST.

The Constitution of the United States guarantees to every American citizen right of privacy against unlawful seizures and search. Every public official is sworn to uphold, protect, and defend the Constitution. On May 26th while on my ranch at Sara, two agents of the Department of Justice, at the instigation of Earl B. Barnes, an Assistant United States Attorney, in turn acting under the authority of James C. Caffey, United States Attorney for the Southern District of New York, who represented Attorney-General Thomas W. Gregory of President Woodrow Wilson's cabinet, entered my law office at 21 Park Row, New York, and in violation of my constitutional rights and of their respective oaths of office, for two weeks rummaged all my private papers, clients' papers, safe, drawers, files, bank books, check books; in fact, everything, and carted away with them whatever suited their fancy. Upon the filing of my petition and affidavits, and after a very warm and interesting discussion, Judge A. N. Hand issued an order directing the United States Attorney to return all my papers, files, check books, bank books, diaries, and whatever papers had been unlawfully seized, except a few letters which had been marked in evidence at my brother's trial. This order was a tremendous blow to the prosecution. At the very outset, it convicted them of wrongdoing and violation of the American Constitution, during a war for liberty "to make the world safe for democracy."

The officials of the Department of Justice only partly obeyed the Court's order. Whatever their purpose, whether intentionally or unintentionally, they did not return all my papers promptly, but retained many valuable documents needed for my defense. Several times during the trial, I rose and demanded them, and as a result, some of my checks were returned, but the stub-books were not, nor were my diaries. The importance of these papers lay in the fact that my diaries contained entries detailing every deposit I had made in my bank for four years. They answered the false charge of "German money." By retaining and destroying them the government officials thought they had tied my hands and made it impossible for me to disprove a malicious but oft-repeated assertion involving the handling of German gold.

I demanded that the court punish those who failed to comply with the order of the court to return these invaluable documents. I proved by the evidence of three witnesses that Dr. Frederick Bischof, the American Protective League "detective"—had actually physically removed them. Dr. Bischof was in Court but never took the stand to deny the accusation and even to-day some of my seized papers have not been returned. The Constitution was not only violated, but somebody in the Department of Justice actually disobeyed the order of Judge Hand, and stands unpunished for the contempt committed. Whether or not this is American Justice, I leave to the true Americans who believe in human right and human liberties to judge.

My trial began in the Federal Court in the old Post-Office Building at Park Row and Broadway, New York City, on Monday, January 27, 1919. The charge against me was, as already stated, based upon the Espionage Act. Judge Augustus N. Hand presided. At the opening, Thomas B. Felder, my counsel, made a motion to quash the indictment, upon the ground that no violation of the law was stated, and that the case did not properly come under the Espionage Act. Mr. Felder made a powerful argument to support his motion, and was ably seconded by my brother Arthur, who had only lately been honorably discharged from the aviation service in which, as officer, he had served his country during the war. Argument on this motion took up the whole of the first day. Decision was rendered by Judge Hand on Tuesday on motion of the prosecution—that three counts in the indictment be dismissed. He overruled the motion as to the remaining five

Col. Thomas B. Felder.

counts. I had to stand trial on five counts carrying total penalties of one hundred years imprisonment and fifty thousand dollars in fines.

Mr. Felder thereupon made a second motion to quash the indictment on the ground that when it was found, certain persons were in the Grand Jury room who had no legal right to be there. These included the Government prosecutor, James W. Osborne, a Secret Service man named Kemp, and at least five others. A fine scandal forsooth! Judge Hand overruled this motion also and Mr. Felder noted an exception. The remainder of Tuesday and all of the following two days, Wednesday and Thursday, were spent in selecting the jury.

Out of a panel of about one hundred and fifty men, at least four-fifths were of English birth or extraction. Only eleven were of Irish descent, about five of German antecedents. An extraordinary panel, drawn in a city where at least two-thirds of the population are of Irish and German blood. This could not be a mere accident. It was planned. This could not give me a jury of my peers—a real representative American jury. A conviction by a jury selected from such a panel could not create confidence in American justice. I desired that my counsel object to this obvious discrimination against men of German and Irish ancestry. I could see no good reason why I should be tried by Americans of British extraction, who naturally would be prejudiced against me because of my strictures on British imperialism. I should have a jury of my peers, and that meant a representative panel. Obviously, the panel was packed, but, my lawyers said: "an acquittal by a prejudiced jury will be a greater victory," so under strong urging I gave way, and the examination proceeded.

The questioning was careful and painstaking. Finally on Thursday evening, just before the adjournment of Court, twelve men were seated in the box, each of whom, with one possible exception,—Ernest R. Hunter, a Wall Street broker—was acceptable to my counsel, as well as to the Government's attorney. Hunter, was the only financier in the box. By consent of my counsel, and against my private protests, Hunter was chosen as foreman by the Court. My counsel over-ruled me again and reluctantly I submitted. This man had admitted prejudice, had promised to submerge it, and do justice. During the jury's deliberations his prejudice was rampant and caused a disagreement on the final count. I am reliably informed by one of the jurors that Hunter stated he would rather believe a prostitute than a priest.

On Friday, January 31, the trial actually began, with the following twelve men in the jury box: Foreman, Ernest R. Hunter, broker, 34 Pine St., Manhattan; No. 2, James W. Harte, cashier, 416 East 142nd St., Manhattan; No. 3, Albert Plumacher, plater, 344 East 59th St., Manhattan; No. 4, James S. Kirk, electrician, 101 West 91st St., Manhattan; No. 5, Bertie J. Kelsig, clerk, 922 Morris Ave., Bronx; No. 6, Frank H. Janke, vice-president, Suffern, N. Y.; No. 7, James C. Hull, private secretary, 110 West 40th St., Manhattan; No. 8, John J. Hammond, pilot, 72 East 190th St., Bronx; No. 9, William L. Gallin, contractor, 264 East 199th St., Bronx; No. 10, George C. Hall, merchant, 110 Riverside Drive, Manhattan; No. 11, Isidor Scherick, merchant, 243 East 86th St., Manhattan; No. 12, Silas J. Cabot, merchant, 210 West 43rd St. Manhattan.

During a period of two weeks prior to my trial, the Government caused to be filed four indictments against Willard J. Robinson, John T. Ryan, Emil Fricke, and Herman Wessels, charging treason. Robinson was said to be my "stenographer," my "private secretary," my "confidential man," and my "general factotum," all falsehoods. One newspaper called him my "lobby-gow," whatever that means. Ryan was referred to as my lawyer, another falsehood. The information upon which these statements was based was furnished to the newspaper men by George Winship Taylor, an Assistant United States Attorney, in charge of the cases. The purpose of filing the indictments then was obviously to prejudice my case, as my panel had already been notified to appear, and anything said about me in the press would naturally be read with avidity by talesmen who had been selected to try me. I mention this extraordinary fact as a matter of extreme importance, in order to show what poor judgment was exercised by the Government. The plan of those who did it was to obtain a conviction upon prejudice, if possible, instead of facts, but the actual effect was to overcharge the minds of the talesmen with prejudice against me. Practically every one rejected was asked if he had read the articles and answered, "Yes." He was next asked if they had created any impression on his mind. He had to answer in the affirmative. Then he was asked whether the impression was favorable or unfavorable. He necessarily answered, "unfavorable." The next question was: "Has that unfavorable impression left any prejudice in your mind?" The answer was invariably, "Yes." A few more skilful questions established the fact that the talesman could not give me a fair trial, as a result of which he was "challenged for cause," the court was compelled to sustain the challenge, and the Government lost a juror it had taken great pains, first to select and then to educate.

It must be quite clear to any fair-minded American that such methods are reprehensible, to say the least; yet in my case they defeated the very objects of those who used them. It should be said to the credit of the talesmen, who admitted their prejudices, that they fulfilled the highest duty of citizenship, they proved themselves far better Americans than those who sought to use them to corrupt American justice. Several times I sought to induce my counsel to make a protest against what was clearly an effort to prevent my getting a fair trial, but they overruled me and decided to wade through the large list in the hope that the constant rejection of talesmen for prejudice would induce the jurors finally selected to take good care that I should receive a fair trial. In this, the outcome of the trial proved their judgment to be sound, because the men who were finally selected—with one exception—did give me a fair trial, and vindicated the finest traditions of American justice. Both Robinson and Fricke were later acquitted of the charge of treason upon their respective trials. In Robinson's case Judge Learned Hand, an able and distinguished jurist, ruled that Robinson did not even have to answer the charge of treason against him and directed a verdict of acquittal when the Government's case was finished.

A feature of the selection of jurors in my trial was the impartiality of Judge Augustus N. Hand's rulings. He repeatedly cautioned the talesmen to lay aside their prejudices, and stated that the defendants were entitled to a fair trial, and that if they had not intended to obstruct the draft and violate the law they had a right to be anti-British or pro-Irish, whichever the case might be. The court room was well filled, chiefly with spectators and friends when James W. Osborne, Jr., began his opening on Friday morning, January 31. The press table was occupied with representatives of every daily paper in New York and of news agencies. Mr. Osborne charged that my anti-British activities began at the Carnegie Hall Peace Meeting of 1912, and had continued without interruption since that time; that I had organized the American Truth Society before the publication of "Bull," made speeches, and written books and pamphlets, designed to belittle and attack England, "one of our Allies"; that I had dragged up "ancient history," the Revolution, the War of 1812, the Civil War, Jefferson's writings, Washington's policies, and other American traditions filled with hatred of Great Britain, as a means of inducing those in America who hated England to refuse to enlist, to refuse military duty, and to create mutiny in the Army and Navy; that I had tried to organize German-Americans and Irish-Americans, and that I wanted to see England crushed. Mr. Osborne further declared that I had used German-Americans to aid my plans, all of which were in violation of the Espionage Law.

Mr. Osborne's first witness on January 31 was John J. Ruth, President of Bull Publishing Company. Ruth testified that he was a Trustee of the American Truth Society and President of the Bull Publishing Company, which published "Bull." By him the Government showed how "Bull" was started and how it was owned and controlled, that is to say, that fifty-one per cent of the stock of Bull Publishing Company was owned by the American Truth Society.

Cross-examined, Mr. Ruth threw the first of several bombshells that were to fall into the camp of the prosecution. He declared that after a conversation with me he had volunteered in the American Navy, and that after meeting and knowing me he had "become a better American," and "a more devoted and loyal American." The prosecution was visibly disturbed and objected to this reply, but Judge Hand ruled that the answer must stand. The courtroom laughed at the prosecution's discomfiture. This testimony did not look as if I was creating mutiny or resisting the draft—the President of "Bull" volunteering to fight Germany.

Miss Bertha Zwillinger, a stenographer of the Bull Publishing Company, was next called by the Government. She wore a button with three stars and testified in detail about the office affairs of "Bull," relating on cross-examination how, after a stormy quarrel, I had practically discharged Luther Bedford, editor of "Bull," for attacking the draft and calling American soldiers "slaves," and how I had advised every man who came into the office "to register and to comply with the law." Miss Zwillinger also swore that she had a brother and two nephews in the Army. Her testimony was another boomerang to the prosecution, which had called her. Again the Government objected, but again it was overrruled. The objection of the prosecution proved it was avoiding the issue. This was another boomerang. There wasn't much mutiny in evidence yet.

Mr. Osborne next introduced "Bull" into evidence. After handing each juror a copy of the August number, he began to read and to describe the cartoons. He said to the jury, "we shall read every number from cover to cover." The jurymen grasped their "Bulls" eagerly and, instead of regarding the magazine seriously and as evidence of a great crime, at least ten laughed outright as they turned over page after page, the Judge, who held copies in his hands, joining with the jury at some of the funny cartoons, poems, jokes and jabs. This was another very serious boomerang for the prosecution. A magazine supposed to create mutiny had made the jury laugh. It at once became plain that the reading of "Bull" had just the opposite effect from that intended by the prosecution, and that it was by no means a publication that could create mutiny. A magazine which could make a jury laugh could never create mutiny. A humorous incident during the reading of "Bull" was Mr. Osborne's reading of an ironical attack on H. Snowden Marshall, who was assisting the prosecution. The reference was very funny and the courtroom laughed, while Mr. Marshall remained quite solemn and serious, blushing deeply; the jury looking over the tops of their "Bulls" at Mr. Marshall and laughing at his discomfiture. It was now evident that "Bull" had fallen flat. If the Government was to convict, it must be upon some other evidence. Surely, no jury who laughed at a magazine would ever send to jail for life the man who wrote it. Apparently we now have the reason why Victorica, Gonzales, Pettit and Martin, the most disgraceful quartet that ever ascended a witness stand, were brought into the case. This ended the first week of the trial.

II

TABLES TURNED ON PROSECUTION.

The trial was resumed on Monday, February 3, the entire day being consumed in the reading of the September number of "Bull." On Tuesday, the October number of "Bull" and other writings of mine were introduced in evidence. The effect of the reading of "Bull" on the jury had not escaped the prosecution, because on Monday Mr. Osborne wanted to dispense with it, notwithstanding the fact that he had stated, "I shall read every copy of this magazine, from cover to cover." My lawyers objected and a colloquy followed which resulted in an agreement whereby the Government could read what it desired, while the defense could interpolate what it wanted. On Wednesday, the prosecution called Arthur Wiener, an artist and head of a commercial art concern, to the witness stand. He testified that he had introduced me to Dr. Heinrich Albert, "Financial Attache of the German Embassy either in July or in August, 1915," and that he had sent anonymously, and without my knowledge, to the American Truth Society, at various times, contributions amounting in all to the sum of $5,000. He stated that he sent this money in cash to the Commonwealth Trust Company, West Hoboken, N. J.. the Treasurer of the Society, and to the Society headquarters at 210 Fifth Avenue, in a series of small amounts. Wiener also swore that he did this because he did not desire to let me, or the American Truth Society, know the source of the contributions.

The witness admitted that he knew the Society was limited to American citizens, which was another reason why he concealed the source of the funds. He further testified that the money came through Dr. Albert, that it was not the German Government's money, but had been collected by Dr. Albert from wealthy German-Americans, who had used him as the intermediary for their contributions. Not one jot or tittle of written evidence was introduced to corroborate Wiener's evidence. The Department of Justice had had the cash receipt books of the American Truth Society since November, 1917, when I had voluntarily appeared before the Grand Jury and had presented the books to that body. The books were kept by the Government. They showed the receipt of all cash contributions, in fact, every penny ever received by the Society. The Society had kept a strict and accurate account of the names and addresses of all donors and of all funds. The books showed that it had collected and spent upwards of $70,000. There was nothing to prevent the Government or anybody else from taking these books, studying them and then concocting a story around some of the entries. It was to be expected that an organization like the American Truth Society would receive anonymous cash contributions. There are a great many people in the world, particularly rich folks, who become interested in a cause and who, because of their connections, their business, or for some other reason, sometimes just plain modesty, absolutely refuse to send their names along with contributions. The Society had been made a target by the newspapers. Such a fact would make many people anxious to aid it, timid about doing so, and therefore most likely to send their money in anonymously. Many educational institutions, churches, hospitals—even political organizations, continually receive anonymous contributions. When so received, how can they be returned? To whom? If one doesn't know the donor, how can one return the gift? All through the books of the Society were entries such as this: "Date........ Name (Anonymous) Address.......... Amount, $25.00."

There was absolutely nothing to prevent any agent of the Department of Justice from picking out any anonymous contribution and, if able to secure some German agent to say he made it; from putting that German agent on the witness stand, and swearing that the contribution or contributions were his. I mention this, not as an absolute assertion that in this instance such a thing was done, but in view of what was done with regard to other witnesses, which we actually proved. I maintain that proof such as was adduced by way of witness Wiener was not convincing proof. It was wrong to admit it against me, because if I had no knowledge of a transaction, because if I had been deceived, I could have no intent concerning it. One of the first real sensations of the trial occurred in connection with this witness' testimony. Nine days before the trial began, Wiener had been interned, although the armistice had been long since signed, and he had theretofore complied with all Government alien enemy regulations during the war. He had purchased Liberty Bonds and had paid one-half for all Liberty Bonds bought by his employees as an inducement to them to buy the bonds. He had been sent for twenty-five successive times by Earl B. Barnes, Assistant United States District Attorney, United States Attorneys George Winship Taylor and James W. Osborne, Jr., and by Dr. Frederick Bischoff, an American Protective League worker, who, for some reason or other, had made a specialty of hounding me. On each occasion he had been questioned about my knowing the source of the funds, but each time reiterated the truth, insisting that I did not know the source. Finally, he was sent for by Perry Armstrong, of the Enemy Alien Bureau, was again questioned, and when he persisted that he could not tell a lie, he was abruptly sent to the Ellis Island internment camp. This was an attempt to compel Wiener to state something which was untrue, and to use the power of internment even after the armistice as a means of doing so. If Wiener were a weak man the way to freedom was open to him, but he could not state what he knew would be deliberate perjury, and although proprietor of a business that needed him, he was whisked off to Ellis Island, a prisoner of war. When I discovered this I was horrified and fully expected any kind of perjury to develop, if men were weak enough to be bulldozed into swearing falsely, wherever the Government had the opportunity and possessed the power to destroy voluntary action.

The jury was plainly shocked at this instance of despotic oppression by Government officials. These points were brought out on a cross-examination by me and my attorneys, the court having consented that I undertake the cross-examination. Wiener also testified that he had never told me that he was not an American citizen and that for all I knew he was one. This was quite plausible, a man in my position could easily be imposed upon by obtrusive adventurers who might try to use me for their own ends. Many points damaging to the prosecution's contention were brought out in cross-examination, notably that at a dinner arranged by Wiener in March, 1915, I had addressed about fifteen of his friends at the Hofbrau Haus, New York, and had upbraided German-Americans because they did not mix more with their fellow-American citizens, and did not devote themselves to real Americanism. I also secured from the witness the admission that about May 3d, 1915, I had condemned the sinking of the Lusitania as an outrage, and had said that when the Germans destroyed American lives they had alienated the sympathies of millions of American citizens, driving them from a neutral position, which they had taken pursuant to the President's Proclamation, to the British side. I wrung from him the admission that I had suspended a forum of the American Truth Society, scheduled to discuss the Lusitania tragedy in order that nothing should be done to embarrass the diplomatic negotiations of the President, and that his urgings to hold it could not influence me.

The next witness was Rudolph Croneau, an American, who testified that in 1914, without any solicitation on my part, he called at my office and suggested that I start a periodical to be called "The True American," and stated that he would go to Count Von Bernstorff and try and raise $15,000 for the periodical; that he went and "Count Von Bernstoff told the witness he was not interested in true Americanism." This was a blow to the prosecution's case, because it clearly established that Germany was not interested in my work, and that my activities were not pro-German, at least from the German standpoint. My defense was that I was fighting for the ideals of the Declaration of Independence, Washington's Farewell Address, Jefferson's political philosophy, and Lincoln's humane political theories. Croneau's testimony made this clear. On cross-examination, he admitted that I had told him, "I was not interested in Kings or Kaisers." At this point I interrupted, and (according to the newspapers) enlivened the trial by demanding that the prosecution produce my check book and stubs, as well as my diary and certain letters which Judge Hand had ordered returned to me, and which the prosecution had failed to produce, in accordance with Judge Hand's preliminary order. I declared:

"It is the duty of the Government to acquit as well as to convict, and if the District Attorney has any evidence which would tend to acquit the defendants, it is his duty to produce it. Almost two weeks ago the Court ordered the District Attorney to return to me the papers—all of them—that the Government wrongfully took from my office, in violation of my Constitutional rights. The District Attorney had not done so. The District Attorney has disobeyed the order of the Court, and therefore is in contempt. I demand that he be cited and punished for contempt. Far more important than the conviction of Jeremiah O'Leary is the vindication of American justice."

The Court, cognizant of the prosecution's failure to obey its mandate, said that the District Attorney must obey the orders of the Court, and adjourned Court, directing the District Attorney to produce the remainder of my papers. Upon the resumption of the trial, the District Attorney produced my cancelled checks for four years back. On examining them, I found that the stub-books from March, 1916, to February, 1917, were still missing. I demanded them, contending that they were necessary for my defense, and the Court again admonished the prosecution to produce the missing checks and check books. The trial was resumed only upon the District Attorney's promise to do so. Later in the day, I repeated my demand for the papers. The District Attorney sneered, "I'm no messenger boy for you." To this I retorted, "No; but in this matter you are messenger boy for the Court, and instead of being an obstruction you should be an instrument of Justice." The Court again directed the prosecution to produce the papers, but on resuming, the prosecution declared that the papers could not be found.

Mrs. Margaret Kelly, former stenographer for the American Truth Society, was the next witness called by the Government. She was called to testify about the workings of the American Truth Society's office. Her testimony resulted in another setback for the prosecution. She testified that I had advised every man who came into the office to "obey the law," and had declared to Irish-Americans repeatedly that "they were fighting not for England but for the United States." She went into detail about the sources of the Truth Society's income and showed by an analysis of all the books—all in her handwriting—that the name and address of each and every known donor was entered, together with the amount subscribed. Her testimony revealed that the American Truth Society was perhaps financially supported by more people than any other patriotic society in the United States; that it had at least ten thousand individual subscribers and donors during its four years of operations, and that on several days its contributions ran well over $100 and one day over $3,000. She testified that the Society carried on its work by public contributions, and had collected and spent over $80,000. This testimony aided the defense, because it established that the source of the Society's funds was not German but the American public. The witness declared that she never knew or heard of any of the Society's members or friends refusing military duty, pointing out that the first American aviator to die in France was Walter J. Boldt, son of Dr. Herman J. Boldt, one of the most active members of the Society, and one of the most faithful contributors and supporters. It was also shown by the witness that the Society was a broad one, including many of Irish, English and other foreign antecedents. Col. Louis D. Conley, of the Sixty-Ninth Regiment, was a member. So at one time was Major John Bigelow, son of John Bigelow, friend of Abraham Lincoln, while Reverends James W. Power, John H. Dooley, P. J. O'Donnell, and other prominent and respected clergymen were contributors and interested in its work. I asked her on cross-examination if she ever heard anyone accuse the former Colonel of the Sixty-Ninth of disloyalty and she replied, "Certainly not." I then inquired, "Isn't it a fact that these two books contain the names of some of America's most prominent business men and citizens, as well as of many men who have since fought and died for their country in this war?" The witness answered "Yes." This was a challenge the Government never answered and couldn't answer. It proved our members had done their war duty.

H. Snowden Marshall, who assisted Mr. Osborne, Jr., in the prosecution, objected to this question on the ground that it was "taking up the time of the Court." To his objection I replied, "Yes; your Honor, they want to send me to jail for one hundred years, and yet they don't want me to prove that I am innocent. Every time I prove something which hurts them and their case they object, because we are taking up the time of the Court." The courtroom laughed as Mr. Marshall resumed his seat, while Judge Hand overruled his objection and instructed the witness to answer. Several times during the trial, and particularly when the defense scored heavily, Mr. Marshall expressed his concern about "the time of the Court," and phrased his solicitude in objections, but Judge Hand, who held the scales of Justice with even hand and an eye scrupulous to exact balance, overruled him, and properly so. On one of these occasions, my brother Arthur, jumped to his feet and indignantly protested at "the cheap, demagogic appeals Mr. Marshall is constantly making to the jurors." He asserted:

"Your Honor, we resent the tactics of the prosecution. This is a court of Justice. It is the defendant's right to cross-examine and to prove by cross-examination the defendant's innocence. It isn't fair for Mr. Marshall to continually suggest that the defense in doing so is taking up the Court's time.

It is our right to take up the Court's time. We are not here through choice; we are here because the prosecution brought us here, we believe, and we shall prove, wrongly. Under these circumstances, I protest against the cheap, frivolous objections of Mr. Marshall, as calculated by him to prejudice the jury against the defense, and to create the erroneous impression that the defense is exceeding its rights." The Court overruled Mr. Marshall's objection, and directed the defense to proceed. These objections were clearly an evidence of weakness. They registered the Government's lack of confidence in its own case, as well as its concern over the strength of our defense.

III

ADOLPH S. OCHS ON THE GRILL.

On Thursday afternoon, February 6th, an unusual and extraordinary incident occurred. Adolph S. Ochs, alleged owner of the majority stock of the New York Times Publishing Company, was called to the witness stand. Although absolutely unprepared with data to conduct a searching cross-examination, I decided to cross-examine him, out of whatever recollections my mind could afford. Here was a chance of a lifetime, to cross-examine a man who was willing to take the responsibility of the "New York Times" international policies. It must have been rather humiliating to Ochs to be cross-examined by one who had been brought into Court from a prison cell handcuffed to a couple of marshals. I jumped at the opportunity and decided to make the best of it. I was not in good physical condition and my attorneys begged me to "let him go"; but I refused and entreated them to let me go ahead. They finally yielded.

He had been called upon this theory: "Bull" had repeatedly alleged that the "New York Times" was an English newspaper, and was owned and controlled by Lord Northcliffe, or by British influences. The Government called Ochs to prove that he owned the majority stock in the corporation which owned the "Times." Ochs did not bring his certificates of stock into Court. He simply stated that he owned them. From this the Government argued that since Ochs owned the stock, the attacks of "Bull" on the "Times" being groundless, were insincere, and since the "Times" was a "good American newspaper," and "was supporting the war," the real object of "Bull's" attacks was not to expose the "Times" but to create a mutiny by attacking a newspaper which favored the war. This was rather far-fetched but Judge Hand permitted it. The cross-examination of Ochs was published in part at the time and was widely read. It derives its importance from the fact that it is an actual exhibition of the man who claims to own "one of the greatest newspapers in America, a powerful organ of public opinion." The following report of the testimony given by Ochs is taken from the "Gaelic American" of February 15, 1919:

"One of the most striking features of the trial of Jeremiah A. O'Leary was his cross-examination of Adolph S. Ochs, alleged owner of the New York "Times," on Thursday, February 6. O'Leary who edited "Bull," a satirical monthly, which was suppressed by the Government, continually charged that the New York "Times" was controlled by Lord Northcliffe, or some British influences. The Government, in its indictment, charges that "Bull" violated the law because it attacked the New York "Times," "a patriotic American newspaper"; and it called Ochs to the stand to refute O'Leary's charges and the attacks in "Bull." Mr. Ochs caused a sensation in the court room when, before Judge Hand and a jury, on February 6, he stepped to the stand. When O'Leary saw him he turned to his counsel, Colonel Thomas B. Felder, and said:

"'This is the happiest day of my life. May I cross-examine that counterfeit American?'

"Colonel Felder replied in the affirmative, and after Ochs had denied that Northcliffe owned his newspaper, O'Leary jumped to his feet and began the most uncomfortable one hour Adolph S. Ochs ever spent in his life. He fiddled, evaded and made statements that were absolutely untrue, as his examination and a reference to the files of the "Times" will show. O'Leary was much hindered by H. Snowden Marshall, who frequently rushed to Mr. Ochs' assistance, and by the Court, who tried to confine O'Leary's questions to the sole question of ownership. At one point when questioned about auto riding with Northcliffe, Ochs appeared to be about to deny it, but evidently fearing O'Leary had inside information, he was forced to admit the truth. At another point Ochs hesitated at least a minute, turned deadly pale and was unable to bring his lips together. He was plainly cornered and flabbergasted.

He made a mighty poor showing, for the alleged owner of a great newspaper. A careful study of his examination by any reader of the "Times" makes it very damning. O'Leary touched on practically every subject where the "Times's" policy is known, and there isn't a man who knows the "Times" and who reads the examination who must not be forced to the conclusion that the man who was questioned was, as O'Leary repeatedly alleged in "Bull," not an (ox) Ochs, but an ass. Those who heard the examination and saw the witness were appalled at Ochs's evasiveness and palpable misstatements. His statement that the "Times" always upholds American interests characterizes his testimony that he owns the paper as wholly unreliable. Practically every man in the jury is a "Times" reader, but the jury plainly showed both its amusement and disgust with the owner of their favorite newspaper. Near the door of the court room were several other newspaper owners from various cities, who were heard talking among themselves. They expected to be called. One was heard to say: 'I wonder if that fellow O'Leary has our files; he seems to know all about the editorial policies of the newspapers.'

"These other owners were not called because O'Leary's lawyer, Colonel Felder, entered a formal objection to the evidence and Judge Hand ruled any more of it out, and the alleged owners of the Detroit "Free Press," the Denver "Post," Springfield "Republican," and others smiled with relief as, behind the disconsolate and very much discredited and shaken Mr. Ochs, they wended their ways out of the court room."

"Here follows the examination and cross-examination of Ochs by Jeremiah O'Leary in detail. It is worth preserving for future reference:

"After a few preliminary questions, Mr. Osborne came to the ownership of the 'Times.'

Q. Mr. Ochs, who owns the "Times"? A. The New York Times Company.

Q. And that is a corporation? A. Yes, sir.

Q. Are you the President of that Company? A. Yes, sir.

Q. How many shares of stock are there? A. Ten thousand shares.

Q. How much of that stock do you own? A. About 54 per cent of it.

Q. And what is the par value of the stock, $100 per share? A. One hundred dollars a share.

Q. A million-dollar corporation? A. A million-dollar corporation.

Q. Mr. Ochs, does Lord Northcliffe own any interest in that paper? A. None whatsoever.

Q. Has he ever owned any? A. No, sir.

Q. Do you know whether the stock in that paper is owned by Americans or not? A. Yes, sir.

Q. Entirely? A. Entirely.

Mr. Osborne—The witness is yours.

Mr. O'Leary's cross-examination follows:

Q. Mr. Ochs, are you in control of the editorial policy of the New York "Times"? A. Yes, sir.

Q. How often do you go to the New York "Times" office. A. Every day.

Q. Have you been going there every day for the last five years? A. I suppose I have not been there every day.

Q. You read the editorials in your newspaper? A. Yes, sir.

Q. Did your newspaper ever favor Free Tolls for the Panama Canal?

Mr. Osborne—I object to that.

Mr. O'Leary—They are trying to show this newspaper is not controlled by British influences. I am going to conduct a cross-examination to show that it is.

Mr. Osborne—I object to that question.

Mr. O'Leary—I am now going to the "Times" to prove it is controlled by British influences; that it has been working for England instead of the United States; that is my purpose.

Mr. Osborne—I press the objection.

Mr. O'Leary—I did not go into this, your Honor; the prosecution has. I ask your Honor in considering the question to bear that in mind.

The Court—I do not see what any of it has to do with the case.

Mr. Osborne—If your Honor will hear me? The Court—Yes.

Mr. Osborne—We are proving an utter lack of good faith in the statements in the publication "Bull." Your Honor probably does not recall what they were. There is a statement—

The Court—Just make the statement.

Mr. Osborne—The statement in respect to the "Times" is that it is a paper advocating a strong military policy, vigorous prosecution of the war. The statement in full is that it is owned by British influences, and therefore that is the cause. The direct statement is that the "Times" is owned by Lord Northcliffe.

The Court—That is the direct statement. Mr. Osborne—Yes, sir.

Mr. O'Leary—No; the statements in "Bull" are to other effects. For instance, in the—

The Court—Refer to that particular statement.

Mr. O'Leary—Yes. Here is a statement from "Bull" offerred in evidence by the Government, in the March, 1916, number of "Bull." There is an editorial that is in evidence, and it reads as follows:

(Mr. O'Leary read editorial from March, 1916, issue of "Bull" heretofore received in evidence.)

Mr. O'Leary—Now, your Honor, all through this "Bull" there are quotations from the New York "Times" that "Bull" has attacked, in order to prove that in its policy the New York "Times" has been controlled by British considerations and not American considerations.

Mr. Osborne brings Mr. Ochs here for the purpose of showing, with a few questions, that England or English interests. or English subjects, do not own the stock in the "Times" Publishing Company.

He is going to argue, and he proposes to argue—and if your Honor does not permit me to go into these matters—he is going to argue, and we won't have any answers to his arguments, if you keep out this evidence, that the New York "Times" is not controlled by British interests, and that, therefore, the New York "Times," in saying these things that we charge it with in this magazine, acted out of American considerations.

Under those circumstances, it becomes our right, and, indeed, it becomes our duty to show, by editorials from the New York "Times," which this gentleman says he controls, that the New York "Times" has been working for the past fifteen years for British interests; that it opposed the Panama Canal Free Tolls resolution of President Taft; that it opposed the fortification of the Panama Canal by the United States, although it was built by the United States Government and American money; that it opposed an American Merchant Marine; that it stood back of a lobby in Congress which was opposed to an American Merchant Marine; that it opposed the Ship Subsidy Bill; that it continually attacked the German-Americans; that it continually attacked Irish-Americans; that it caused racial differences between the American people, by setting one race in the city against another; that it carried on a subtle propaganda in favor of the British-American Union by furbishing up and putting in the headlines men like Carnegie and men who were openly known to favor such a propaganda, whilst, on the other hand, it attacked and vilified and lied about such organizations as the American Truth Society that was founded to promote Americanism, based upon the utterances of Washington, Jefferson and Lincoln, and the great American Institutions that were founded in 1776.

The Court—Now, wait a minute. I won't hear any further argument. I will allow this question. Now put your question briefly.

Mr. O'Leary—I will, your Honor. I withdraw the question, and put it again.

Q. Mr. Ochs, you say that you control the editorial policy of the New York "Times"; is that right? A. Yes.

Q. Did you ever have a man named Cleveland working in the editorial rooms of the New York "Times," an editorial writer? A. I think not; not that I recall.

Q. Don't you know that you had a man up there named Cleveland, in the month of January, 1916? A. I do not.

Q. Do you know who your employees are? A. Not all of them.

Q. Well, did you know that an editorial was written in the New York "Times" on the 22d of January, 1916, entitled "The Truth at Last," in which it was stated that the men who murdered the German sailors of a submarine in the incident that was reported from abroad were not the British marines of the *Baralong,* but American sailors and American citizens of the steamer *Nicosian?* A. I do not.

Q. Do you know who wrote that editorial? A. I do not.

Q. Did you approve of that editorial? A. I do not recall it.

Q. Do you deny that such an editorial was written in the New York "Times"? A. I do not know that it appeared at all.

Q. You never read it? A. Not that I recall.

Q. Don't you read the editorials in your newspaper? A. Yes, but there are 365 issues a year, many pages, and I do not recall every part in them.

Q. If you saw an editorial, and that editorial stated that an atrocity that was, in fact, committed by English marines, was committed by American citizens, wouldn't that interest you? A. It certainly would.

Q. Would you resent the taking of the cloak of infamy from a foreign nation like England and putting it on the shoulders of your own country? Would you resent that?

Mr. Marshall—We object to that.

The Court—Objection sustained.

Q. Did you resent it?

Mr. Marshall—The same objection.

The Court—Sustained.

Mr. O'Leary—I will take an exception. Mr. Ochs, will you please do us the favor of bringing here the files of the New

York "Times" to cover the 22d of January, 1916? Can you do that? A. I think it is possible, I am not sure.

Q. You are not sure? A. No.

Q. You have spare newspapers, have you not, for sale? A. Not of all issues.

Q. Don't you know you make a specialty of selling—

The Court—Oh, I can not allow this question.

Q. Well, now, Mr. Ochs, when did you first start out in the newspaper business?

Mr. Marshall—I object to that. The Court—Sustained.

Mr. O'Leary—I will take an exception.

Q. Where is the stock of the New York "Times" at the present time—the shares, the specific shares? A. I suppose in the possession of the people who own them.

Q. You say you own how many shares? A. More than the controlling interest.

Q. More than 51 per cent? A. More than 51 per cent.

Q. Do you know a man named Belmont? A. Yes.

Q. Did you ever meet Lord Northcliffe? A. Frequently.

Q. Were you present at a banquet in Philadelphia in 1899 in the Hotel Walton when Lord Northcliffe made a speech? A. I was not.

Q. Was Lord Northcliffe here in 1899? A. I do not know.

Q. Did you own the Philadelphia "Ledger" in 1899? A. I think so.

Q. And did you own the Chattanooga "Times"? A. Yes.

Q. Was Lord Northcliffe in this country around the year 1899? A. I do not know.

Q. When did you obtain control of the Philadelphia "Ledger"? A. I think about in 1901; I am not quite sure about the date.

Q. In 1901? A. Or 1902.

Q. Did you ever talk with Lord Northcliffe about the policy of your paper? A. Never in my life.

Q. Do you mean to say you met the greatest newspaper man in England and you did not talk to him about the policy of your paper.

Mr. Marshall—I object to that. That has nothing to do with this.

The Court—Sustained. Mr. O'Leary—Exception.

Q. You say you are familiar with the editorial policy of your paper, are you? A. I think so.

Q. Did your paper favor the Free Tolls Resolution of President Taft on the Panama Canal?

Mr. Marshall—I object to that as immaterial and irrelevant.

The Court—Overruled.

A. I think so. I won't say positively.

Q. Will you swear positively that your paper favored President Taft's position on that question? A. The paper would show for itself.

Q. Don't you know, Mr. Ochs, that the paper opposed President Taft's position on that question? A. I do not recall now exactly. At the time, many things occurred. Whatever the paper published is a matter of record.

Q. Do you remember the question of the fortification of the Canal? A. Yes, I do recall that.

Q. Didn't your paper oppose that in its editorial policy? A. I think so. I am not sure.

Q. England was also opposed to the fortification of the Canal, wasn't it? A. I do not know. I do not recall that.

Q. You do not recall that? A. No, I do not.

Q. Do you mean to sit here and tell this jury that you do not recall that England was opposed to the fortification of the Panama Canal? A. I do not recall it.

Q. You, the owner of a newspaper like the New York "Times," don't recall that? A. It is displayed, what their attitude was.

Q. Do you know what the New York "Times" is doing, at all, Mr. Ochs. A. I think so.

Q. Did the New York "Times" ever protest against the seizure of the *Hocking* by England? Yes or no—The American steamship *Hocking* that was seized on the high seas and taken into an English port, when it was engaged in lawful trade with other countries. Did your paper ever protest against that in an editorial? A. I do not know.

Q. Don't you know it did not? A. I do not know.

Q. Do you remember that it did? A. I tell you that I do not know.

Q. Do you remember when the *Genesee* was seized by England on the high seas, another American ship; do you remember that, yes or no; do you remember it, Mr. Ochs? A. No, I do not remember it.

Q. Did you ever hear of the *Dacia?* Do you remember the *Dacia,* a steamship owned by an American citizen that sailed from Galveston with a cargo of cotton for Germany, which was seized by France upon the high seas? Do you remember that? A. No, I do not.

Q. Don't you remember there was a good deal of public discussion in the newspapers at the time about the *Dacia?* A. I know there was a great deal of discussion about a great many subjects in the newspapers.

Q. Well, a newspaperman is supposed to know? A. Well, I am one newspaper man that does not know everything.

Q. I beg your pardon A. I am one newspaper man that don't know everything.

Q. I thought you stated you did know about the editorial policy of your own paper? A. No; you asked me if I controlled the policy.

Q. You stated you did. You said also, I think, you read the editorials, did you not, Mr. Ochs? A. I did not.

Q. Do you mean to say you do not read your own newspaper? A. What was your question a moment ago?

Q. Do you read your own newspaper? A. I do.

Q. Do you read every editorial that is written in it? A. I do not.

Q. Did you ever hear of the *Wilhelmina,* another American ship, that was seized by England?

Mr. Marshall—I object to this as totally immaterial.

The Court—Overruled. A. I do not.

Q. Do you remember the Note that was sent to England by President Wilson, in protest against England's interference with our lawful trade upon the high seas? A. I have a general knowledge of it.

Q. Aren't you interested in the diplomatic correspondence carried on in the interests of your own country by the President of your own country, Mr. Ochs?

The Court—Oh, I can't allow that question.

Mr. O'Leary—Your Honor, the inference here has to be contradicted; I think we are entitled to wide latitude when a newspaper owner like the owner of the New York "Times," who says he has control of its editorial policy, and then cannot tell anything at all about it is under cross-examination. I want to go into these things now to show that the policy of this magazine, "Bull," was not only justified, but was necessary in order to preserve American rights. Can't we ask him about the President of the United States sending Notes to England in protest? He ought to know that.

Q. Do you remember the Notes that were sent by the President to England, protesting against England's interference with our lawful trade, and commerce, on the high seas? A. I have a general knowledge of it.

Q. Did your newspaper in your editorial policy, ever approve of those Notes? A. I think it did.

Q. Did your newspaper from the beginning of the European War, up to the opening, to the time of our entrance into the European War, ever make a serious, vigorous protest against Great Britain's invasion of our rights upon the high seas? Yes or no? A. Well, I think we did.

Q. I beg your pardon? A. I think we did.

Q. Do you remember when England took American mail off ships and ransacked it in Kirkwall; do you remember that? Don't you remember that? A. I remember it in a general way.

Q. Don't you remember the diplomatic controversy that arose between the United States and Great Britain over this seizure of American mails in violation of the treaty rights of American citizens, between Great Britain and the United States? A. I recall such an incident.

Q. Did your newspaper ever criticize Great Britain? A. I think it has frequently.

Q. For seizing our mails? A. I do not know the detail. I cannot answer all these things in detail.

Q. Do you remember when Great Britain mined the North Sea and served notice on the Neutral Powers of the world that they could sail only in certain parts of the North Sea, and lined out the course their ships were to follow; do you remember that at the very beginning of the war? A. I believe I have answered that question, that I remember these things in a general way.

Q. Did your newspaper in its editorial columns ever protest against that? A. The newspaper columns will testify as to what was done.

Q. Did you ever meet a man named Sir Gilbert Parker? A. I never did.

Q. You do not know Sir Gilbert Parker? A. I know who he is. You asked me if I met him.

Q. Yes—personally. A. No, I never did.

Q. Have you ever had any men, any British subjects, men who were not American citizens, working on your newspaper? A. I could not answer that. I do not know.

Q. Did you have a man named James, a newspaper reporter? Do you remember him working on your paper? A. Yes.

Q. Was Mr. James an American citizen? A. I don't know.

Q. Don't you know he was not? A. I do not.

Q. Don't you know the newspapers contained an article that declared that he was not an American citizen, and he got in trouble with the courts on some matter he reported falsely? A. I do not know.

Q. You do not remember that. A. I do not.

Q. Now, how many times have you ever met Lord Northcliffe? A. Frequently.

Q. Did you ever have dinner with him? A. Yes.

Q. Ever go out automobile riding with him? A. (Hesitatingly) I have been in an automobile with him, yes.

Q. Before the United States entered the European War, Mr. Ochs, is it a fact that you met a great many British subjects in this country? A. It is not a fact.

Q. Did you ever meet any British army officers here before we entered the war? A. I did not.

Q. When was the first time you ever met Lord Northcliffe? A. Oh, many years ago.

Q. How many years? A. Oh, ten or fifteen years ago, perhaps.

Q. Where did you meet him first, in the United States or in England? A. The United States, I think.

Q. Did you ever meet him in London? A. Yes.

Q. Did he entertain you there? A. Yes.

Q. When was the last time you met him in London? A. I think perhaps in the spring of 1914, although I am not positive.

Q. That was— A. It was just before the war.

Q. Before we entered the European war? A. Yes, sir. I was in London the April of that year, and I think I perhaps met him then.

Q. How long were you in London that time? A. Three or four days.

Q. When were you in London the last time before that? A. Probably a year before.

Q. How long were you there then? A. Oh, a few days. I do not recall.

Q. Did you meet Lord Northcliffe then? A. I usually met him every time I was in London.

Q. And when he came over here he usually met you, too? A. Frequently.

Q. You were pretty good friends, weren't you? A. Up to what time?

Q. Well, you met him fourteen or fifteen years ago first, and continued to meet him up to the time before we entered the European War? I say, you were pretty good friends? A. At what time do you think we were friends?

Q. In 1914 you were friendly? A. On the 1st day of August, 1914, Lord Northcliffe had with the New York "Times" a decidedly disagreeable disagreement, and we have had no relationship whatever or intercourse with Lord Northcliffe since that date.

Q. When was that? A. On the 2d of August, 1914, at the beginning of the war?

Q. Were you in London then? A. I was not.

Q. Was Lord Northcliffe over here? A. He was not.

Q. While you were friendly with him, did you ever talk over the policies of the New York "Times"? A. Never in my life.

Q. Did you discuss international questions? A. Incidentally, perhaps.

Q. Were you a member of the New York Peace Society? A. I think I am. I am not sure; I believe I am.

Q. Do you know Mr. Andrew Carnegie personally? A. Yes.

Q. Did you know that Mr. Carnegie had practically committed his entire fortune to the scheme of a British-American Union? A. I do not.

Q. Have you ever read any of his writings? A. Yes.

Q. Do you know that in the North American Review, of 1893, he came out flatfooted and said: "I can say"—

Mr. Marshall—Oh, I object to that.

The Court—Objection sustained. Mr. O'Leary—I will take an exception.

Q. Do you remember an editorial in your own paper a few days ago stating that England was bearing, with the patience of a mother, the whimperings of America over the Embargo by Great Britain, that Great Britain had recently imposed against American goods? Did you read that in your paper? A. It sounds familiar.

Q. So that the New York "Times," as you sit there on this stand, Mr. Ochs, is sympathizing with an Embargo that Great Britain has now placed upon American products; is not that true? A. It is not.

Q. How can you construe these words to mean anything else but sympathy? A. I leave you to construe them.

Q. You leave that to me, and you leave it to your readers to construe, don't you? A. Yes.

Q. Don't you know that those words were there for the purpose of getting your readers to believe that Great Britain's Embargo was right, and that American complaint about it was whimpering and wrong? Wasn't that your purpose? Wasn't that the purpose of your editorial policy? Yes or no.

(Witness hesitates at least a minute.)

Q. You don't answer. A. I can not answer your question. You wish me to put a construction on it.

Q. Does it embarrass you a little? Doesn't it embarrass you a little, Mr. Ochs, to know that your own newspaper is opposed to the interests of your own country? Doesn't it embarrass you a little, Mr. Ochs? Isn't that why you are silent? A. No, it is because I do not agree with you as to the conclusions you have drawn.

Q. You think that the people— A. I insist that the New York "Times" stands first and all for Americanism.

Q. Do you mean to say that the New York "Times" stands first for America, when it says that the American Senators, in the United States Senate, are complaining improperly about the Embargo, and that England is right? A. A difference of opinion in regard to an economic question.

Q. Did you read in the columns of your own paper this morning this statement by Senator Reed: "Senator Reed turned and talked on the Carnegie Peace Foundation, saying that it was put forth as an American organization, and then had conspired with a lot of Germans, Hungarians, Swedes, and Englishmen to work out a policy that would affect the policy of our Government." Did you read that?

The Court—That is not a proper question, what he read, that Senator Reed said about it.

Mr. O'Leary—I withdraw the question.

Q. Then, Mr. Ochs, you appreciate, don't you that when the editorials of your newspaper come out and sympathize with Great Britain, that they are taking a position contrary to the expressed statements and policies of Representatives of your own country in the United States Senate. A. I resent the suggestion or intimation that the New York "Times" sympathizes with Great Britain in anything that is contrary to the best interests of the United States.

Q. Mr. Ochs, when that editorial said that England was bearing, with the patience of a mother, the whimperings of America over the Embargo of Great Britain, that Great Britain had made against the importation of American goods, weren't you expressing sympathy with Great Britain's position, and weren't you criticizing America, because America was complaining about it?

Mr. Marshall—If your Honor please that has been gone into three times already. I object to it.

The Court—I sustain the objection.

Mr. O'Leary—If the Court please, every time that the defense gets a prosecution witness in a hole, Mr. Marshall makes the objection that we are taking up the Court's time.

Mr. Marshall—The objection was sustained.

Mr. O'Leary—I think before these objections are sustained, we should have the right to be heard. This witness has been offered here by the Government.

The Court—I have ruled on this, Mr. O'Leary. If you have asked him a couple of times that question—

Mr. O'Leary—The point is, your Honor, the witness's mind is argumentative. It is the right of counsel in cross-examining, when the witness's mind is argumentative, and when the fact in question is important to his credibility on testimony in chief, to attempt to put the question in different ways, in order to bring the witness to the point that counsel has in mind, and that is to prove that the statements he made or the inferences drawn from that statement, are not true, in his direct examination.

Q. Mr. Ochs— A. Why don't you confine yourself to what I have replied here, in regard to what you have charged the New York "Times" with?

Mr. Arthur O'Leary—I object to this statement of what you have charged the witness with.

Mr. Jeremiah O'Leary—You can answer me in the "Times" tomorrow morning, Mr. Ochs.

The Court—Gentlemen, don't argue.

Q. Do you know your newspaper yesterday morning published an untrue statement of this trial?

Mr. Marshall—I object to that.

The Court—Sustained.

A. I do not, and if I knew it was untrue, I would discharge the man immediately.

Q. Very well. We can do some reforming right here. Where is that paper?

The Court—I am not going to allow you to go into this; it is not germane to the inquiry.

Q. You have been reading the accounts in your paper about this trial? A. I think so.

The Court—Don't talk about this trial in the papers. Mr. O'Leary—All right.

Q. Do you know any other English newspaper men besides Lord Northcliffe? A. How is that.

Q. Do you know any other English newspaper men besides Lord Northcliffe? A. Yes, I know a few.

Q. Where does the New York "Times" Company get its print paper from? A. At present?

Q. Well, for the last four or five years? A. Canada.

Q. Don't Lord Northcliffe own the mills? A. He does not.

Q. Lord Northcliffe owns paper mills in Canada, doesn't he? A. I think so—(hesitating)—No, I do not believe he does.

Q. Will you swear, Mr. Ochs, that Lord Northcliffe has no interest in any paper mill where your paper has bought print paper during the last ten years? A. I most solemnly swear that I have had no business relations of any kind, description or character with Lord Northcliffe, or the London "Times" in my life.

Q. Do you draw a distinction between Lord Northcliffe and paper companies he controls? A. The only paper company that I know that Lord Northcliffe owns is a paper mill in Newfoundland.

Q. Only one? A. That is the only one I know he controls.

Q. Don't you know he controls others. A. I do not.

Q. Were you able to buy print paper cheaper from that Canadian mill than you could buy from the International Paper Company here in this country? A. I tried before to buy from the International Paper Company, and they would not sell it to me.

Q. That question I asked was, don't you know you can buy print paper cheaper from Canadian mills than American producers? A. No; I paid a higher price in Canada.

Q. Did you buy paper at the same time in Canada and the United States? A. I have bought paper at the same time in Canada and the United States.

Q. Do you ever patronize the International Paper Company? A. Yes.

Q. How long since you last patronized it?

The Court—I can't allow you to go into that.

Mr. O'Leary—In one of the articles in "Bull," we point out that in the case of the Louisville "Courier-Journal" the Louisville "Courier-Journal" is pro-British because, from a statement of a partner in Canada, it buys print paper in Canada at reduced rates. The Witness—I can probably answer your question. Our paper has been purchased from the Donnacona Paper Company in Canada. The paper company, I believe, is owned and controlled by Americans, and Mr. Gould of Lyons Falls, I believe, is the controlling owner, and others at Utica, New York; and our paper has been purchased of that mill for the past several years. So I should say it was an American-owned mill in Canada.

Q. Is it not a fact that the New York "Times" has been given preference in International news, over every other American newspaper? A. No; I do not know what you mean.

Q. Didn't the New York "Times" get preference in regard to the alleged discovery of the North Pole by Cook? A. No.

Mr. Marshall—I object to this. The Court—Sustained.

Mr. O'Leary—I am going to show that by reason of these preferences—I won't state the purpose. The Witness—Mr. Cook has a libel suit against us, from the fact we questioned his statement of the discovery of the North Pole.

Q. Do you remember Mr. Greaves, who died about two years ago, and who held an important position on your paper? A. Arthur Greaves?

Q. Yes? A. Yes.

Q. Wasn't he a British subject? A. I would be greatly surprised if he was; not to my knowledge.

Q. Do you remember a man named James, who gave up his American citizenship to become a British subject? A. I answered that before.

Q. No, that was a reporter. I am speaking of Henry James. A. You mean the author?

Q. Yes. A. Yes.

Q. Don't you know when he died that the New York "Times" said he became a better American citizen when he became a British subject, and said it editorially? Do you know that? A. I do not recall that.

Q. You do not recall that? A. No, I do not.

Q. Now Mr. Ochs— A. Why don't you ask me something about Lord Northcliffe; that is what you have been charging me with.

Mr. O'Leary—If I was as powerful a man as you are and owned as many newspapers as you do, I would try to control everybody as you do; but I have rights in court which I hope you will please respect.

Q. Is it not a fact, Mr. Ochs, that England controls all the sources of news that come from Europe?

The Court—I cannot allow that question.

Mr. O'Leary—All right. I take exception. That leads up to another question, another line of ideas that I want to cross-examine the witness on, on his testimony in chief.

Q. Mr. Ochs, has the New York "Times" ever favored the freedom of Ireland. A. Yes, sir.

Q. It has? Can you get me one copy of the New York "Times" that has an editorial which says that Ireland should be freed? A. With respect to Home Rule.

Q. Oh, Home Rule. That is not freedom—

The Court—Now, don't make speeches. Mr. O'Leary—No indeed, your Honor.

Q. Don't you know the difference between Home Rule and freedom?

Mr. Marshall—I object to that. The Court—Sustained.

Mr. O'Leary—That is to test the witness's intelligence.

Q. Did you ever read the Declaration of Independence?

Mr. Marshall—Objected to.

The Court—I shall not allow that.

Q. Did you ever read the Constitution of the United States?

The Court—I shall not allow that.

Q. Is it not a fact that the New York "Times" has always not only opposed the freedom of Ireland, but has condemned and vilified men of Irish blood who favored it?

Mr. Marshall—I object to that. The Court—Sustained.

Mr. O'Leary—I take an exception to each of the Court's rulings on the last three questions.

Q. Is it not a fact that the New York "Times" has always opposed the freedom of Ireland because Great Britain was opposed to the freedom of Ireland, and because the New York "Times" followed that policy in deference to British interests? A. Positively no.

Q. Did you read the language of the Declaration of Independence, that says all nations shall derive their just powers from the consent of the governed—

The Court—I have refused to allow the question.

Mr. O'Leary—The witness has now stated he did not do it because Great Britain did not want it. He must have some other reasons for it.

The Court—We can not go into the Declaration of Independence.

Mr. O'Leary—That is what "Bull" was talking about all the time, your Honor, and that is one of the reasons why the magazine has continually said that the New York "Times" is controlled by British influences, because by some strange coincidence everything that England wants, the New York "Times" favors, even though it is opposed to the interests and ideals of the United States.

The Court—I have ruled on it.

Mr. O'Leary—Mr. Osborne is going to argue that I ought to be sent to jail for one hundred years because I criticised the New York "Times."

The Court—I have ruled on the question. Mr. O'Leary—I take an exception. The Court—Yes.

Q. Mr. Ochs, are you aware of the fact that the New York "Times," in the month of April, 1916, published a statement to the effect that a man named Maurer, in the Washington Irving High School, said in a speech, publicly, "To hell with the Stars and Stripes," and then that Mr. Maurer in proceedings before the Board of Education, by the production of twenty-five witnesses, proved that statement was never made, and that an investigation disclosed that the statement was deliberately concocted by this reporter, James, who was a British subject. Do you know that? A. I do not.

Q. Do you know Nicholas Murray Butler? A. I do.

Q. Do you know George Haven Putnam? A. Yes.

Q. Did you ever attend a banquet of the Pilgrims Society? A. Yes.

Q. And did you ever attend a banquet of the St. George's Society? A. I think not; not that I recall.

Q. Now, Mr. Ochs, which is it? "I think not" or "Not that I recall." A. Well, I would say I think not.

Q. Will you swear you never did? A. I will swear I think I did not.

Q. Before we entered the European war, did you ever meet Cecil Spring-Rice? A. I did not.

Q. Did you know him personally? A. No.

Q. Did you know the British Consul-General here in New York? A. I do not.

Q. Do you represent any British financial interests here in investments? A. Do I?

Q. Yes. A. No.

Q. Are you in the personal custody of your own stock? A. I am.

Q. You are sure it is not hypothecated? A. I am.

Q. When the New York "Times" opened up its new building up at Times Square did it have a public function there, a reception?

The Court—I can not allow that question.

Mr. O'Leary—Well, it leads up to another question.

The Court—I shall not allow it. Mr. O'Leary—I take an exception.

Q. When the New York "Times" opened up its new building did it have a public function at which Lord Northcliffe was present? A. I do not think it was coincident with the opening of the building. I remember we had a dinner up there in the "Times" Tower, at which Lord Northcliffe was present.

Q. Was not the dinner in celebration of the opening of the building? A. No.

Q. What floor was the dinner held on?

The Court—Oh, I can not allow that.

A. The twentieth floor.

Mr. O'Leary—I take an exception.

Q. Do you know that the New York "Times," on the 27th of July, 1917, published a description of a cartoon that was published in "Bull," entitled "The Lion and the Mouse," and that the news article contained a statement that the cartoon showed a picture of a rat, and that the American people were represented in the cartoon as a rat when, as a matter of fact they were represented as a mouse. Did you know that? A. I did not.

Mr. Marshall—I object to this as immaterial. Mr. O'Leary —No, it is right on the point.

Q. Do you remember the agitation in 1911 in favor of the Arbitration Treaties, that was carried on by Mr. Carnegie, Mr. Choate, Colonel Watterson, Nicholas Murray Butler, Frederick Coudert, and others, Mr. Ochs? A. I don't remember the date of it.

Q. You do remember the agitation? A. Yes.

Q. Do you know that at that time the United States Senate, by a vote of the whole Committee on Foreign Relations with the exception of two members, had reported that those Treaties were unconstitutional? Do you remember that?

Mr. Marshall—I object to that. The Court—Sustained. Mr. O'Leary—It is the same line of questioning on the question of British influence.

Q. Do you remember that in 1911 the British very strongly favored those Arbitration Treaties?

Mr. Marshall—I object to that. The Court—Sustained. Mr. O'Leary—I will take an exception.

Q. Can you mention one thing, Mr. Ochs, one incident, as the owner of the New York Times, where British interests conflicted with American interests, where the New York "Times" took the American side of the question and approved of it? A. I will say that the New York "Times" on every occasion has taken the American side of every question in which England was involved with controversy with the United States.

Q. Mention a specific incident. A. I do not remember any incident, but I know that is the general policy of the paper. We may differ as to what are the best interests of America, but as far as the viewpoint of the New York "Times" is concerned, it is entirely and wholly influenced by a desire to promote the welfare of the United States against all, and every country, in every instance of that kind.

Q. Where an atrocity was committed on the high seas by British sailors, do you consider it taking the American side of the question when the responsibility for that atrocity is voluntarily taken from the shoulders of the British who committed it, and put upon American citizens?

The Court—You have asked that question once. Mr. Marshall—We have been over that once. Mr. O'Leary—I will take an exception.

Q. Try and think, Mr. Ochs, of one instance where the New York "Times" came out on the American side of a question where British interests were involved.

Mr. Marshall—That has been asked four times. The Court—Objection sustained. Mr. O'Leary—If your Honor please, the witness has stated that he can not do it.

The Court—On the contrary, the witness has stated that in every instance where questions occurred between Great Britain and the United States, the New York "Times" has taken the position of America, the United States—in every instance, wherever there was a question arising between the United States and Great Britain on every question you raised here.

Q. These recent incidents— A. On every question you referred to, the New York "Times" has taken the American side.

Q. These recent incidents, where you said the Americans were whimpering about the British Embargo? A. We thought we were taking the American side.

Mr. Marshall—We have been over that four times, your Honor.

Mr. O'Leary—That is all.

IV

ATTEMPTED SUBORNATION OF PERJURY.

At this point of the government's case, the court-room was appalled at a revelation which never reached the public through the medium of the press. A government witness, Miss Marie E. Durand was on the witness stand. She was a reporter for a small local newspaper published in the City of New York, known as "The Harlem Home News" in 1918 and on the night of August 11 reported a meeting at which I spoke and at which the government contended I delivered a speech which incited to mutiny. Miss Durand was a Canadian and made a very favorable impression upon the witness stand. The prosecutors, with a copy of her paper before her, examined her about my speech but were only able to adduce from her that I had asked a question of some drafted men in the audience whom I had told to hold up their hands in words or effect, "Are you going to fight for England"? She was sure the answer of the drafted men was, "No." It was quite clear that the prosecutor, Mr. Osborne, was endeavoring to have her corroborate the report she had published in her paper but his efforts were futile. Her manner suggested that she wanted to be truthful but was under some restraint. There was something on her mind. When my brother, Arthur, undertook to cross-examine her, he succeeded by a very clever line of questions in placing in the record of my trial the first absolute evidence that some part of $80,000,000 of the Secret Service Fund of the United States government spent under executive auspices had been used in connection with my case and the securing and the influencing of witnesses. The testimony is shocking, and more so, because during the trial it was not contradicted or explained. Under such circumstances, the Department of Justice practically pleaded guilty to the evil suggestion that lay beneath. I quote her testimony verbatim:

Q. Mrs. Durand, where do you live? A. 420 West 121st Street.

Q. Have you always lived there? A. No.

Q. Are you an American citizen? A. I have not completed my naturalization; I have my first papers.

Q. Of what country are you a citizen or subject? A. Technically I am a subject of Great Britain.

Q. Who was it that first suggested that you come here as a witness? A. Mr. Ackerland.

Q. And who is he? A. He is the United States Immigration Inspector, or one of them, at Halifax, Canada.

Q. Were you in Halifax at that time? A. Yes.

Q. Halifax, Nova Scotia? A. Yes.

Q. When was that? A. That was in the latter part of April, 1918.

Q. Was any arrangement made with you then in regard to compensation if you came here to testify? A. It was agreed that my transportation expenses would be paid and my salary for the week that it would take me to come here and return and a couple of days in New York.

Q. Did you know you were under no legal liability to come here? That you could not be compelled to come here from Nova Scotia? A. I did not think I could be compelled to come if I did not want to come; that is, I do not think I gave it any thought, in fact, or much thought.

The Court: Is your visit here now a result of that arrangement, or have you been to New York before as a result of such an arrangement? A. My presence in New York now has nothing whatever to do with that arrangement.

Q. Did you come to New York in pursuance to that arrangement in regard to compensation at that time? A. I did not come to New York in consideration of any compensation whatever. I came because the Government asked me to come, and that is why I came here in May.

Q. Did you receive any expenses or compensation? A. I received my transportation and one week's salary at the rate at which I was being employed in the employment I was in at the time.

Q. How much was that salary? A. Fifty dollars.

Q. And from whom did you get it? A. I got it here from one of the offices in this building; I am really not sure; I think the check was mailed to me; I am really not sure.

Q. Was anything said to you at that time in Nova Scotia or at any other time about any additional compensation you might receive for your testimony? A. I was not promised; I did not expect any additional compensation.

Q. Please answer my question. I will ask the stenographer to read it. (Last question read.)

A. There was something said that sounded like a hint.

Q. What was that hint? A. But I certainly did not take it, and that is straight.

Q. What was that hint, Mrs. Durand? A. Well, this Mr. Ackerland came into my office and asked me if I remembered being at this meeting and if I remembered anything about it and so on, and if I would be willing to come back to New York and testify at the trial. When he told me about the indictment; I am not sure that I knew about the indictment before that or not. I told him then just exactly practically what I have testified this morning and finished up by saying that I did not think the testimony I had to offer was of any value, that is, was of any importance, but that if the government wanted me to return to New York, I would, but of course it was understood my transportation would be paid and my salary from the time I left Halifax, while here and until I returned.

Q. What was the hint you said was made about additional compensation? A. *When I was through explaining that I did not think my testimony was going to be of any importance, he remarked something about the Department of Justice having plenty of funds or not being hampered for funds, and in fact it was the only department of the government that was not questioned in regard to expenditures, and that the Government was always supposed to be liberal or generous, or some-*

thing like that, for those that showed themselves obliging, but that absolutely has had no influence on my testimony.

Q. I do not mean to suggest it had any influence on your testimony. I was just trying to bring out how some of these agents are doing the government's business in advance of trial by suggesting that there are unlimited funds if those whom they expect to testify would do the right thing. I do not mean to suggest that it has had any influence on you. A. Neither Mr. Barnes nor Mr. Osborne attempted to influence my testimony in any way, shape or form.

Mr. Arthur T. O'Leary: I will ask the district attorney to produce vouchers showing payments made.

Mr. Osborne: They are not in my office; they are filed with the Marshal of the United States.

Mr. O'Leary: *The right hand does not know what the left hand is doing, is that the idea?*

The Court: Do not make those comments.

Mr. Osborne: It is an entirely different office and you may subpoena them; probably they are in Washington.

Mr. O'Leary: You might rise and address the court.

Mr. Osborne: I am addressing you.

The Witness: I am perfectly ready to solemnly swear that there never was any mention of money of that description between Mr. Osborne, Mr. Barnes and myself, and that I am absolutely not influenced in any way, shape or form by any promise, offer or expectation, and I do not want any money for it. What is more, I would not take it.

(This testimony created a sensation in the courtroom.)

V

MME. GONZALES ADMITS PERJURY.

The case needed several connecting links; one to connect me with Victorica. Aubrey Pettit, Chief of Police of Long Beach, was produced to supply that; another to associate me with Carl Roediger. Charles A. Martin, the "Hull Inspector," employed by the Government, was educated to forge that. Another was to connect me with Willard J. Robinson's trip to Holland. Arthur L. Lyons was tortured for fifteen days by a cruel third degree to make that. A further link was needed to fasten upon me an overt act which would supply the intent necessary under the statute to justify the court in sending my case to the jury. Mme. Gonzales was groomed to manufacture that. The plan was ingeniously conceived but clumsily executed. "The best laid plans of mice and men gang aft aglee." So with Pettit, Martin, Lyons and Gonzales. Of all the horrible spectacles presented in any court of justice on earth, Mme. Gonzales was the most pitiable. Like Mme. Victorica she was a woman of prepossessing appearance, selected and accepted no doubt to influence the jury. She was a decided brunette. She breezed to the witness stand with a generous red hat, a slight flush, but brazen and self-possessed. Apparently forty years, she looked as if she had "a past" and knew something of the world. While James W. Osborne circled about for a place to stand, she gazed about the courtroom with no show of instinctive feminine modesty, her lips curling into a smile as she struggled to present an aspect of unconcern, as though she had nothing to fear and as if what she was about to do was an ordinary usual routine act of her daily life.

I never saw her before; at least I could not recollect her. So I leaned over to my brother John, and asked him who she was and what she might say. The question was soon answered, as Mr. Osborne led her along to a meeting of the Irish Bazaar workers, held at a small hall, known now as 715 Lexington Avenue, New York, on July 17th, 1917. She said she had received a notice from John J. O'Leary, my brother, who was the manager of that great bazaar which was held at Madison Square Garden, New York, in October, 1916, at which over $48,000 was raised for the suffering Irish people, particularly those of Dublin, after the British had wrecked the city during the Easter Rebellion of 1916, following which they transported almost three thousand men, supporters of dependents, to English prisons. She also said she had been a worker at this bazaar, and had been asked to co-operate by Alphonse G. Koelble, of New York, who aided in the enterprise. Since she saved her letter and envelope for this day, almost two years later, I was convinced that in reality she was an Agent of the Department of Justice, spying on Americans of Irish descent. She later admitted in cross-examination that she saved the letter and envelope to use them, and also reluctantly admitted that she knew Mr. Offley, and that Agents of the Government had called upon her, to whom she had reluctantly told her story. Reluctantly! Yes, a part of the game. If she could impress the jury with the fact that she was a reluctant witness she might induce a gullible jury to believe what I know was plain, deliberate perjury, and what we proved to the jury was perjury.

She said the meeting was called to oppose conscription; that I made a speech in which I called the President a monarch, denounced conscription, said we must fight it, that "Bull" was doing the work effectively, and other things of a similar nature which would leave no doubt in any mind if I made such a speech that my intention was to oppose conscription.

I cross-examined her. She held fast, although her memory proved very defective in several instances. I caught her once when she identified a woman, Mrs. Mary Schulte, as having been there; this was a falsehood. She said the meeting was very secret, the curtains were drawn, and the windows and doors closed, although the room was crowded and the night one of the warmest of the warm Summer of 1917, a condition which would have suffocated every person in the room. Her testimony was contradicted by every other witness who was present on that occasion and shattered completely, as woman after woman took the stand and indignantly denied that the Irish Relief Bazaar workers ever conspired under any leadership to resist the draft.

The testimony of Mme. Gonzales was an attack on the loyalty of the Irish race, and was so intended by the prosecution. It charged the Bazaar workers, who, inspired by motives of charity in 1916, had organized to help raise money to relieve distress in Ireland, with a conspiracy in 1917 to obstruct the draft. It was quite plausible, but crudely done. As a matter of fact, the Bazaar workers had been called together for the purpose of compiling and classifying for future reference the names of all contributors to the Bazaar, over sixty thousand citizens of New York City, including many of the most prominent citizens—a valuable asset if preserved for the Irish cause. Her idea was that the plan was to classify the names to resist the draft by raising an army or by starting a revolution. This meant that such prominent citizens as the late Cardinal Farley, Charles F. Murphy, Judges Morgan J. O'Brien and Victor J. Dowling, and many others, were to have been appealed to as aids in the lawlessness. Could any sane person believe that the United States Government, by its constituted and apparently responsible authorities, could ever present such a preposterous and absurd theory to an American jury? Yet it was deliberately done, and when the case ended my lawyers ridiculed the perjury out of court. The newspapers, of course, never published this revelation. They had a reason for silence. They had also made preposterous charges against me. They were *participes criminis* in the campaign of vilification which had been carried on against me, and which reached its climax in the indictments filed at a time when some war-mad and hysterical citizens were actually clamoring for my blood.

If Americans are anxious to learn why the man who was convicted by a false public opinion is now at liberty, after a trial in which his calumniators were convicted, let them read these very few excerpts from the cross-examination of Mme. Gonzales. I apologize for their publication. I am sorry to be compelled to shock and offend virtuous women with the vile mess I was compelled to wring from this still viler woman, yet the seriousness of the situation requires it. There is an old saying, "Something must be rotten in Denmark." I might amend that by paraphrasing it: "There must be something rotten in the United States when a family man is driven from a home, a wife and four children, when the loyalty and patriotism of an American of Irish blood, with almost forty male relatives in the war, is questioned; when parents' hearts are broken and friends are made dubious by the accepted testimony of a woman who has admitted herself under oath to be an abortionist, a perjurer, immoral and dissolute. I thank God that in the final analysis, after all that has been said and written about me, that those who undertook to prove the mendacity of almost a decade; those who undertook to assert that Irishmen were traitors, had to reach down into the depths of infamy to secure the evidence that no decent, self-respecting American could utter."

With this apology and explanation, for the benefit of my race and the country I love, I present the record, in part only, but sufficient, I hope, to dispel the clouds which hovered about me for at least five years—clouds that darkened even my prison cell, where for almost a year I was denied the light of God's day.

Mrs. Manuel Gonzales, recalled by Thomas G. Felder, of my counsel, thus testified:

Q. How many children have you? A. I have no children.

Q. Did you ever have any? A. Yes.

Q. When? A. I lost a child in 1912, I believe.

Q. Who was the father of that child? A. My husband.

Q. Which one? A. Clarence Heberger.

Q. What was the name of that child? A. Francis.

Q. How old was the child when it died? A. Fourteen months.

Q. And that child's father was your first husband, Mr. Heberger. A. Yes, sir.

Q. You say that this child died at the age of 14 months? A. Yes, sir.

Q. Her name was Frances? A. Heberger.

Q. And it died when? A. I think in 1915.

Q. 1915? A. 1912, 1911 or 1912.

Q. Your husband was drowned in June, 1909. A. Yes, sir.

Q. Then that was a pretty long period of gestation, wasn't it? A. My child was fourteen months old when he died.

Q. Now your husband was drowned in June, 1909? A. Do I have to answer these questions, your Honor?

The Court—Yes.

Q. And the child died in 1915? A. No, I think he was fourteen months old when he died; it was either 1910 or 1911, 1911 or 1912.

Q. Do you know Mr. Francisco Valenti? A. Not at present.

Q. Did you ever know him? A. Yes.

Q. Where did you know him? A. In New Haven.

Q. Were you ever married to him? A. No, sir.

Q. Did you ever institute any proceedings against Mr. Francisco Valenti? A. Yes, sir.

Q. What about? A. You have the record there.

Q. Never mind about my having it. You are on the stand. What was the nature of those proceedings? A. I don't care to tell.

Q. You don't care to tell? A. No.

Q Well, I will have to insist on it. A. You cannot insist.

Q. I cannot insist? A. No.

Q. Did you not institute a suit against Francisco Valenti, alleging that he was the father of your ——— child? A. I refuse to answer the question.

Q. You testified a few moments ago when examining you that you never had but one child, and that was a girl child by the name of Frances? A. He was a boy.

Q. A boy child by the name of Francis? A. Yes.

Q. That died in 1912? A. Yes.

Q. Is that this child? A. I refuse to answer.

Q. Upon what ground? A. The same ground.

Q. That it will incriminate you. I will repeat this question. Was Clarence Heberger the father of that child? A. Yes, sir.

Q. Well, then, what child was Francisco Valenti the father of? A. I refuse to answer.

Q. Where is the child or where was the child, or was there any child born to you that Valenti was the father of? A. You do not understand. I refuse to answer any of those questions.

Q. Don't you know you told the truth when you said you never gave birth to but one child? A. I refuse to answer. You are only wasting time.

Q. You answered that when I first put the question to you? A. I have been the mother of one child, but I did not say I was the mother of only one child.

Q. You said you had but one child, and that child was Francis, and died in 1912, aged fourteen months? A. I had another child taken from me also.

Q. What do you mean by taken from you? A. With an operation.

Q. Was it taken dead? A. Why, yes.

Q. The dead child is not the one you were calling upon Valenti to support? A. I refuse to answer.

Q. Where did this child Francis die? A. I refuse to answer that.

Q. I submit that is proper, if your Honor please; that could not incriminate her. A. All that testimony will incriminate me.

Q. What? A. All that testimony will incriminate me.

Q. You did not kill the child, did you? A. Hardly.

Q. Will you tell the jury how you could be incriminated if you had a child by your husband and the child died by telling when it died and where it is buried? A. All of the questions which Col. Felder has put to me since I have been on the witness stand will incriminate me.

* * * * * *

Q. Mrs. Gonzales, did you ever have outside of the Valenti experience, did you ever sue out a warrant against anybody else, against any other man for ——? A. I refuse to answer that question.

Q. Oh, you do. Upon what ground? A. The same reason that I refused to answer any of your questions this morning.

Q. It would incriminate you? A. No, not necessarily.

Q. Well, then I want you to answer it. A. And I am not going to because that would incriminate me, in the questions you asked me this morning.

Q. Have you ever had any other man except this man there in New Haven, arrested for ——? A. I refuse to answer.

Q. Upon the ground it will incriminate you? A. On the ground in connection with the case you asked me of this morning.

Q. How many men have you had arrested for ——? A. I refuse to answer for the same reason.

Q. How many children have you had that were ——? A. I refuse to answer for the same reason.

Q. Well, now, when you were on the stand this morning I asked you how many children you had and you said you had one? A. I told you also I had one taken from me.

Q. You told me that later. How many did you have taken from you? A. I refuse to answer.

Q. How many operations have you had performed on you? A. One.

Q. Which one was that? A. I refuse to answer.

Q. You refuse to answer? You had only one operation performed on you? A. I had *at least* one performed. I don't know whether there might have been one for abortion. *I don't believe that was an operation, it was an abortion.*

Q. In what stage of development was the child if it was removed? A. Why, I don't know just exactly.

Q. You don't know? Do you know approximately? A. No, sir.

Q. That was not the child that you got this support for, for four years, was it? A. I refuse to answer.

Q. Oh, you do. You know that an abortion is a criminal offense, do you not? A. Yes, sir; *I didn't have an abortion operation performed.*

Q. What? A. I have no abortion performed on me.

Q. You had one performed on you, didn't you, you so said? A. One operation, I had one operation performed.

Q. What sort of an operation? A. An operation to save my life, to take the babe from me, and if the operation had not been performed I would have died.

Q. Why? A. Because I had an accident at that time, I had fallen in a bathtub.

Q. You stated a moment ago here, you just stated that—you said you hadn't had one performed? A. I had to have an operation on that, I had fallen in a bathtub, I had slipped and fallen in a bathtub.

Q. When was that? A. I refuse to answer.

Q. You refuse to answer. Well, it would not incriminate you to tell the jury when you fell in the bathtub, would it? A. Yes, sir.

Q. That would incriminate you? A. Yes, sir.

By Mr. Arthur O'Leary—Mrs. Gonzales, do you belong to some Jewish women's society? A. I belong to one now.

Q. There was one that you severed your connection with? A. Yes.

Q. What was the name of that? A. I did not sever my connection, I was expelled.

Q. You were expelled for stealing? A. No, I was not, *the president blamed that upon me.*

Q. Didn't you consult a lawyer about the incident? A. I did.

Q. Because you were going to sue them for slander? A. Yes, sir; no, I was not going to sue them for slander. She had a lawyer write to me and ask me to refute my statement.

Q. That is the crime that you refer to? A. Yes, sir.

Q. What lawyer did you consult? A. Mr. Jordan.

Q. Any other lawyers? A. No, I don't think so.

Q. Are you sure about that? A. I am quite sure.

Q. Will you swear to that? A. Yes.

Q. Do you know Patrick Cotter? A. Yes.

Q. Did you consult Mr. Cotter? A. He consulted with us at that time.

Q. You consulted Mr. Cotter? A. They asked me to do so.

Q. You consulted with him in regard to being expelled from this organization, did you not? A. Yes, sir.

Q. Will you swear that Mr. Cotter did not investigate this incident, and that he found that you were a thief, and refused to take your case? A. He did not take up any investigation.

Q. Answer that yes or no. A. No.

Q. Isn't it a fact, that he refused to take your case? Answer that yes or no? A. Yes, but not for that reason.

Q. Now that is enough. You knew you consulted Mr. Cotter when I spoke to you first? A. No, I did not recall the incident. I have nothing to hide.

Q. You have nothing to hide? A. No.

Q. Why did you refuse to answer all these questions about these ——— children, if you had, if you thought you had nothing to hide? A. I said that I had nothing to hide about that society.

Q. Answer yes or no, please. A. I said that I had nothing to hide about that case.

Q. Now, Madam, you testified this morning that your husband Heberger died in 1909, didn't you? A. Yes, sir.

Q. You testified that he was drowned in 1909, didn't you? And you testified that you had one child, a boy, named Francis, who died in 1912, didn't you, didn't you? A. Yes.

Q. And you also testified, did you not, that this husband who died in 1909 was the father of that child, didn't you? A. Yes, sir.

Q. And didn't you also testify that that child who died in 1912, died at the age of fourteen months? A. Yes, sir.

Q. What time in 1912 did the child die? A. I don't just remember.

Q. Don't you remember the month that your own child died? A. No.

Q. Make any impression on your mind at all, that date? A. Indeed it did.

Q. You say you don't remember the month in which that child died, and yet you have testified here to the speech that was made by the defendant, O'Leary, a year and a half ago, is that right? A. Yes.

Q. And in considerable detail, have you not? A. Yes, sir.

Q. Now when you swore this morning in court that this incident about Heberger being the father of that child that died in 1912, didn't you know you were testifying falsely? Answer yes or no. A. Yes, and I have decided to tell the whole truth.

Q. Answer that yes or no. A. Yes.

Q. You knew you were testifying falsely? A. Yes, I did, and I thought the matter over—

Q. Your answer is yes? A. Yes, sir.

Q. Well, now then, you have committed perjury, you know that, don't you? A. Yes, sir.

Q. Now, madam, have you been assured by any of the Department of Justice officials, have they given you any assurance that you would not be prosecuted for any perjury that you may have committed in this case? A. No, sir.

Q. Who made up that speech, that you said O'Leary told in Lexington Avenue in 1917, was that Dr. Bischoff or Croppy, or who was it? A. Made up the speech that he made?

Q. Now, madam, you have admitted that you committed perjury this morning, right here before these gentlemen? A. And I have done so in answering a question, yes.

Q. Do you expect to be prosecuted in this court for that perjury that you just admitted you had committed? A. I want to tell the jury the truth.

Q. Answer yes or no, I am entitled to that answer. A. I don't know.

Q. Don't you know you are not going to be prosecuted for the perjury which you yourself have been committing? A. If I tell the truth, I think so.

Q. Answer yes or no. Do you expect here that either Mr. Osborne or Mr. Taylor or any of these gentlemen here will prosecute you for the perjury that you have committed here? A. I don't know.

Q. Do you expect the government will prosecute you for the perjury that you committed here this morning? A. I don't know.

Q. Don't you know, madam, that none of these agents, none of these investigators from the Department of Justice or any of the District Attorneys here, are going to prosecute you for any perjury that you have committed here at this time, when you have been committing it upon this stand here before this jury in this case? A. I don't know.

Q. What was your maiden name, before you were married first? A. Josephine Lowenstein.

Q. Didn't you tell the women at these Irish bazaars that you were of Spanish descent? A. No, my husband is, my husband is Spanish.

Q. Didn't you tell them that you were a Spanish lady, of Spanish extraction? A. No, I did not.

Q. You have become quite a studious bazaar worker, have you not, madam? A. Well, I have only worked in a few of the bazaars.

Q. Didn't you give up a lot of time to the work in these bazaars? A. Yes, five or six weeks.

Q. And that is during the period that you were drawing this alimony from this man which you claim was sufficient to support you while you were working in these bazaars? A. Yes, sir.

Q. It was during that period that you filed an affidavit in court, that you needed more money for your support, it was during that time that you were working in these bazaars? A. Yes, sir.

Q. Now I ask you if your object in working in these bazaars was not for the opportunities it offered you to steal, and to get something out of it so as to get more money for your own support, in addition to what you were getting from these men, these other men on the side? Did you also bring actions against these men also? A. No, I didn't do these things which you are reciting.

Q. I ask you again if it is not a fact, that you were working at these many charitable bazaars during the period that you were filing the affidavit to the effect that you needed more money for your support, for the sole purpose of stealing the money and adding to your support in that way, yes or no? A. I gave you my answer to that, I am not a lawyer, but I don't steal.

Q. Just answer the question, please, yes or no. A. I certainly did not.

Q. Is your testimony in regard to what you have just stated, as true as your testimony in regard to the father of your ——— child, which you gave this morning, yes or no? A. I refuse to answer that question.

Q. Do you refuse to answer upon the ground that that will also incriminate you? A. Yes.

Q. There are a great many things, there are many, many, a great many things that would incriminate you, madam, if you testified to the absolute truth, are there not? A. No.

Q. Haven't you refused to answer a great many things here this morning about ——— children, and about compelling men to put up money to support children on the ground that it would tend to incriminate you, absolutely degrade you to tell the truth? A. I refuse to answer any questions on the grounds that I have said to you this morning.

Q. How much money are you getting from the Secret Service fund of the Department of Justice? A. I got twelve dollars for being a witness down here until my time was up, which was a dollar and a half a day. That is all I received.

Q. Did any agent of the Department of Justice tell you like they told Mrs. Durand, that the Department of Justice of the United States Government, that they had unlimited funds, and that they were very generous with anybody, who did the right thing by them? A. No, sir.

Q. Did nobody tell you that? A. No, sir.

Mr. Osborne—He is misquoting Mrs. Durand's testimony; her testimony is that an agent of the Department of the Interior, or the Custom House, or Immigration, told her some such statement as that.

Mr. O'Leary—Whatever branch of the government it referred to.

Q. Madam, is the testimony which you have given here in regard to what Jeremiah O'Leary said at this Lexington Avenue meeting in August or July, 1917, as true as the testimony that you gave this morning to the effect, that your husband Heburger was the father of your ——— child? A. The testimony—

Q. Now answer that yes or no. A. I refuse to answer.

VI

MME. VICTORICA SHOCKS JURORS.

When historians essay to write a real political history of the European War in its relation to intrigues, I hope they will establish the true status of Madame Marie de Victorica. The "New York Sun" said she "smacked more of Paris than Berlin." While testifying she pronounced the name of many cities with a decidedly French accent. Her behavior, manner, appearance, and dress were anything but German. She emerged from her theoretical confinement at Ellis Island on February 10th, 1919, to bear witness against me, with the air of a woman who had just finished with her maids in some sumptuous hotel, a picture of style and affected beauty. Her toilet was attended to scrupulously even to lip rouge and powder puff, and she was surrounded with the aroma of highly-scented perfumes. The Department of Justice had done an excellent job on its star witness. If she was a German spy she had been well attended. She appeared to have been well fed and well cared for. Whatever they have at Ellis Island, where she had been "confined," whatever attentions she received which gave her that fresh prepossessing appearance, they did not have them within the frowning walls of the Tombs—where Margaret Sullivan, her maid, John Gill, Willard Robinson, and I had been confined for ten months.

Fortunate are they who in criminal or political prosecutions have become the chief witness for the persecutors. Apparently the people's moneys are lavishly spent to please and comfort them. I daresay that nowhere on the outside could any but a very wealthy woman secure *gratis* the attentions "the blonde lady" had received. She strutted to the witness stand to take my liberty away like a prima donna entering upon the stage. She was very clever. She carried herself with hauteur as though she enjoyed the gaze of hundreds of spectators whose eyes were riveted upon her. Her air was decidedly theatrical, she posed, smiled, and began her testimony with supreme assurance.

Briefly, and in substance, she testified that she had been introduced to me by a man named Emil Kippur; that I had dined with her at the Hofbrau House in January, 1917; that I had called upon her at an apartment at 69th Street and Broadway, New York; at the Netherlands Hotel; and at Long Beach; that in March, 1917, I had introduced to her a man named John T. Ryan; and in March, 1917, to another man, Willard J. Robinson; that she had sent Mr. Robinson to Holland to carry a message for her to representatives of the German Government. She also stated I had submitted to her an editorial I had written for "Bull," which she had approved, and, finally, that in procuring Robinson I had placed a stipulation upon her that "nothing should be done to injure the United States." My testimony, however, was different. She was introduced to me by Mr. Kippur, but only as a client; that in the early part of 1917 she came to my office to employ me in proposed annulment proceedings against her husband, who was insane when she married him and who had decamped to parts unknown with approximately $35,000 of her fortune; that they were married in Buenos Aires, Argentina; that she was residing in a hotel; was going to move to an apartment house; that she asked me to recommend an employment agency because she wanted a reliable maid; that prior to her visit to my office, an Irish girl,, Margaret Sullivan had applied to me to aid her in obtaining employment, as many others had on previous occasions; that I had accommodated her by sending Miss Sullivan to her; that I called on her once at the Netherlands, met her accidentally at the Hofbrau Haus, and never met her at Long Beach; that in June, 1917, I grew suspicious of her, when she did not seem serious about her legal matter and dismissed her from my mind. There were other details, but these were the most important.

To substantiate my testimony, I produced a two-page type-written memorandum, verified by my stenographer, made when she called at my office, which proved that her visits there were professional. This memorandum the Government did not question, although it clearly impeached her testimony. I denied emphatically her testimony otherwise, and the jury in its verdict accepted my denial. Her evidence had no strict connection with the "Bull" case, but Judge Hand let it in on the theory of intent as tending to show what my intentions were when I was editing "Bull," a rather far-fetched theory, since "Bull" was started in March, 1916, almost a year before Mme Victorica entered the case, and since "Bull's" policy had been established before the war, and had been consistently followed until October, 1917, when the last number was issued. Permitting such testimony to go before the jury was simply a case of dumping everything into the "Bull" pen and I was glad it happened since it gave me a chance to expose this mysterious woman who was the Government's mainstay in its plan to send me to prison, and prior to that as Mr. Matthews informed me, in its plan to send me to the scaffold. Prison would suffice now to satisfy all political grudges, since the armistice had been signed.

My brother, Arthur, undertook the cross-examination—a quiet, careful, determined and incisive inquisition—into her character and credibility. Arthur, with the hospital record at Bellevue, one of New York's greatest hospitals, compelled her to admit that she was a drug fiend, addicted to the use of morphine to the extent of eight grains a day for over twenty years. She contradicted herself, frequently. At Bellevue she stated she was born in Buenos Aires; on the witness stand, in Germany. Under Mr. Osborne's questions, she declared that she was a German agent; under Arthur's, that she was not. She admitted she would do anything to get morphine; that she would even lie to get it; and that she was an utter slave to the drug. She admitted visits from Dr. Frederick Bischoff, the American Protective League "volunteer detective," at least twice a week, and that they talked about the case sometimes for hours at a time. She admitted frequent visits from others.

Miss Margaret Sullivan, held in the Tombs for one year as a material witness and never called in Court.

She admitted she had been taken shopping, on automobile rides, that she had never been placed behind prison bars, as I had been, or Margaret Sullivan, her maid, who had been held for one year as a material witness. She contradicted herself in many other details. When she had finished her testimony, the jurors were plainly shocked.

Before she testified at all, the defense demanded an opportunity to examine her. The Court denied the request upon the Government's objection, although she admitted having received an injection of morphine before she had come to Court. The jury, with the exception of Ernest R. Hunter, the foreman, appeared to be very skeptical of her, and, I was informed later by a juror, that the jury when it retired unanimously agreed to disregard her entire testimony. This fact, of itself, should be sufficient to dispose of Madame Victorica. Yet I cannot refrain from setting forth a medical opinion of her from the lips of Dr. Perry Lichtenstein of the Tombs, an eminent expert, corroborated by three other eminent physicians, Doctors Smith Ely Jelliffe, one of the greatest of American alienists, Abraham Jacobi, one of our most eminent and distinguished alienists, and Dr. Walter H. Conley, of New York, a physician in charge at Blackwell's Island, New York, where numerous drug cases are treated and cured.

The testimony of Dr Lichtenstein developed one of the great sensations of the trial. Mme. Victorica, after her alleged arrest, passed into the custody and control of officials of the United States Government. It has been the policy of the American people, during the past two decades, to put an end to the drug traffic which of late has assumed large proportions, one official recently estimating that in the United States alone there are at least 1,000,000 drug addicts, or one in every hundred of our population. To rid the nation of such a scourge would be obviously a boon to mankind, yet the officials in charge of Victorica catered to her habit, and according to her own admissions, actually fed her morphine for almost a year at the rate of two grains a day. Just why this was done is convincingly answered by Dr. Lichtenstein, who swore that in the City Prison he has never known any case where a drug addict under control could not be gotten off the drug in three weeks at the most. Dr. Lichtenstein did not hesitate to characterize the conduct of the Government's officials as "unprofessional." I shall go farther and say that the Government's officials were under orders, and that those who issued the orders actually violated the spirit, if not the letter, of the very laws they were sworn to enforce. They certainly opposed the policy of the American people, designed to destroy an illicit traffic which makes lunatics and criminals of human beings, consigning them to fearful tortures and early graves. They have scandalized the American people and their policies, to say nothing of the smirch upon American justice created by the irresistible conclusion that must be made, and which was argued to the jury, that the reason they fed Victorica drugs was to control her, to suborn her, in order to do—what? To deprive Ireland of her freedom and America of that honor America should ever boast of, the loyalty and devotion of men of Irish blood to the ideals which I hope will ever be the mainspring of America's national life. Let Dr. Lichtenstein characterize the credibility of Madame Victorica, and at the same time expose the scandal surrounding her pernicious practices.

Another strange and curious incident in connection with Victorica was the testimony of Felix M. Brecher, who, when called to the stand as a Government witness to prove that Victorica came to America on the Christianafjord in January, 1917, by a statement that as a passenger he saw and remembered her, testified, when presented with her picture, a most striking likeness, that "the woman in the picture was not the person." Those in the court room laughed, causing the Judge to rap for order, the witness was withdrawn. Later, Brecher, was recalled and changed his testimony, swearing that after seeing Victorica in Mr. Osborne's office, he believed she was the woman. The circumstances of his meeting the woman in the privacy of the prosecutor's office, instead of conducting an identification in open court, coupled with certain incidents surrounding it, attested by a spectator who saw them, and accompanied by the fact that in open court Mr. Osborne stated Brecher had spoken to Victorica, while Brecher swore he had not, cast a strange and weird aspect over the whole proceeding, which might lead an observer to conclude that the Government was so groggy that it had lost control of its own witnesses.

A very important sidelight upon Victorica's testimony is furnished by the evidence of Stephen W. Johnson, one of the men who made soap-box oratory famous at the street meetings held at 37th Street and Broadway, New York, during the Summer of 1917, when the Vigilantes, led by Cleveland Moffet, endeavored to break them up. Mr. Johnson testified that in July, 1917, Victorica did not even know Willard J. Robinson, whom she swore she sent to Holland on a mission only three or four months before. She asked Mr. Johnson who he was, brought Mr. Johnson to luncheon, and endeavored to solicit from him information about Irish-American leaders.

Perhaps the greatest breakdown of Victorica occurred when she fixed the month of September as the time I met her in Long Beach, when I was in the Adirondacks three hundred miles away. This is referred to elsewhere in this volume. Every effort of the Government to corroborate her was successfully destroyed.

VII

A DISCREDITED CHIEF OF POLICE.

While acquainting the reader with Mesdames Victorica and Gonzales, I should be remiss were I to pass by in silence the perjury of Aubrey Pettit, the erstwhile Chief of Police of Long Beach. A witness was needed by the Government to corroborate Victorica. Aubrey Pettit was selected for the work. As Chief of Police of Long Beach, he would be the most likely resident of that resort to have observed a man in company with Victorica at Long Beach during the Summer of 1917. Pettit is still living and I shall refrain from any discussion of investigations I caused to be conducted about him at Long Beach, but suffice to say that, while he was in charge of the police, gambling and other vices, which could not exist without his knowledge and acquiescence were rampant in that place.

Of all the witnesses who took the stand against me, Pettit made the best appearance. Over six feet tall, with a solemn face, and excellent deportment, he created a fine impression upon his direct examination. Perhaps I was the only man who knew whether his testimony was true or false. A lawyer conducting a defense may have faith in the truthfulness of his client and believe him when he accuses a witness of falsehood, yet it is the defendant himself who has actual knowledge of the truth in such a case. I do not place any blame upon H. Snowden Marshall or James W. Osborne or Benjamin Matthews or James C. Caffey for calling Aubrey Pettit, except in this, that when they sat in Court and observed for themselves the perjury of their witnesses, they should have repudiated it and told the Court frankly, "The Government has been deceived" and moved my acquittal, just as their confrere, Mr. France, in Brooklyn, did in the first treason case of the European War. Everybody understands what "frame-ups" take place in the Secret Service, the non-professional end of the Department of

Justice. The cases are prepared there and handed over to the attorneys for trial. When perjury develops, the District Attorney, representing the great, just American people, should immediately clear the people from its taint; otherwise they will rid themselves of public officials who ask juries for verdicts based upon perjured testimony.

As a lawyer, James W. Osborne conducted my prosecution with dignity and respect. His associate, H. Snowden Marshall, showed animus. While Mr. Osborne showed zeal he never displayed prejudice. His only failure consisted in not repudiating the perjury of his witnesses, for which I believe he was in no way responsible. If he had done so, he would have struck a tremendous blow for the vindication of American justice; he would have done what the jury later did. Why did not Mr. Osborne do it? Because of the policy of his superiors. The spirit of Thomas W. Gregory, who resigned during my trial, hung over the case from beginning to end. During the deliberations of the jury, Mr. Osborne purchased a ticket from Miss Bessie McCarthy, a young lady spectator at the trial, to help the Irish cause. Miss McCarthy had admirable courage to ask him, but Mr. Osborne had equally as admirable tact to recognize the irony of the request. My brother, Arthur in his summing up, paid a tribute to Mr. Osborne, when he said: "Mr. Osborne is paid to prosecute these defendants. I honor him for the performance of his duty, but H. Snowden Marshall has volunteered to widow a wife and orphan four little children."

Aubrey Pettit said that he had seen me once at Long Beach, accompanied by Victorica and Willard J. Robinson. On cross-examination, he said he had seen Robinson several times, knew him well, had talked with him, and saw him in the lobby of the Long Beach Hotel on a settee, conversing with Victorica several times. Pettit became a pitiable spectacle, when, after a grilling cross-examination, he finally declared that Willard J. Robinson had a moustache, collapsing completely when presented with Robinson's picture, and asked to find the moustache. Robinson never wore a moustache. Another sample of his mendacity was his testimony that when he saw me in the Summer of 1917—either during July or August—I wore a black derby hat, a rather unusual apparel for New York during those torrid months. The courtroom roared with laughter and the newspapers featured the "slip" as a good story. Pettit was completely discredited, a juror informing me that they threw out his entire testimony, believing he had testified falsely. Some excerpts from his cross-examination are to be found here.

Cross Examination by Mr. Jeremiah A. O'Leary—Q. Mr. Pettit, you say you knew me by sight? A. By sight; that is all. I don't know your name yet.

Q. You are sure you don't know my name yet? A. I have never been introduced to you. I have heard you called O'Leary, in the court room here yesterday.

Q. Of course, you must remember the details about these facts that you have testified to Mr. Pettit. A. Certainly.

Q. Do I understand your testimony to state that you saw me with this woman who testified yesterday, on the board walk at Long Beach? A. Yes, sir.

Q. Walking up and down the board walk? A. No, sir.

Q. At the time you say you saw me with this woman, you say your were cooperating with the Naval Intelligence Bureau? A. Yes, sir.

Q. And you had been instructed to keep watch on all newcomers; is that right? A. Yes, sir.

Q. Was there anything suspicious about the actions of the man you say was I? A. Not exactly.

Q. How was he dressed? A. About the same as you are now.

Q. Well, this was in the summer of 1917? A. Yes, sir.

Q. And you say I wore clothes the same as I have now? A. The same style.

Q. Dark clothes? A. No, I did not say so.

Q. What color, Mr. Pettit? *A. Light colored clothes, with a derby hat.*

Q. You say I wore a derby hat, in the summer of 1917? *A. Yes, sir.*

Q. Did I have patent leather shoes? A. I don't know.

Q. What kind of shoes did I wear? A. I don't know.

Q. Now, you were watching for the Navy Intelligence Bureau? A. Yes.

Q. You were watching newcomers? A. Yes, sir.

Q. The country was at war? A. Yes, sir.

Q. And you were watching this woman? A. Yes, sir.

Q. Did you make any report of that incident? A. Yes, sir.

Q. Did you make it in writing? A. No, sir.

Q. With regard to the man you say was Robinson, how was he dressed? A. Different at different times. I saw him in a bathing suit.

Q. Don't you know, Mr. Pettit, you are stating a falsehood under oath when you say you saw Robinson in a bathing suit at Long Beach? A. No.

Q. Don't you know he never went in bathing at Long Beach in his life? A. No, sir.

Q. How many times did you see that man Robinson in a bathing suit at Long Beach? *A. Probably once or twice.*

Q. Will you please read back the record and see what the answer was the other time?

The Court—*"I saw him once in a bathing suit."* That was the first answer.

Q. Once. Now, let us see. Was he in bathing with Madame Victorica? A. No.

Q. Who was he in bathing with? A. When I saw him he was alone.

Q. What bathing house was he around? A. I did not ask him.

Q. Was it around the Hotel Nassau? A. Yes, sir; in front of the Nassau Hotel.

Q. What time of the day? A. Afternoon.

Q. In what month? A. In the summer of 1917.

Q. Was it in the month of June? A. I won't say.

Q. Will you swear it was not? A. No.

Q. Will you swear it was not about the 15th of June? A. I won't say.

Q. How about the month of August? A. I won't say.

Q. How about the month of September? A. I said, the Summer of 1917.

Q. But you had seen him with this woman whom you had observed? A. Yes, sir.

Q. Did you report that to the Navy Intelligence Bureau? A. *I think they were with me.*

Q. You think they with with you? A. Yes, sir.

Q. You are under oath, Mr. Pettit. A. I know it.

Q. You have been a chief of police of Long Beach? A. Yes.

Q. You have been a witness before, haven't you? A. No.

Q. Never on the stand before. *A. Not as I remember. I might have been a couple of times.*

Q. Do you mean to say that you, the chief of police, co-operating with the Naval Intelligence Bureau, after having observed what one man wore, who was with a woman you suspected, did you not observe what the other man wore? Yes or no. A. I did not get your question. It is too long.

Q. You are intelligent, Mr. Pettit. That is quite evident. *A. I did not take particular notice of Robinson, because he was there so much.*

Q. He was there so much? A. Yes.

Q. With Madame Victorica? A. Yes.

Q. How many times, *now,* Mr. Pettit? A. I saw him four or five times.

Q. Now, then, since he was there so many times, don't you think you ought to be in a better position to know what kind of a hat he wore? A. No.

Q. Don't you think that when one man sees another man many times that he is in a better position to say what kind of clothes he wears than in a case of a man he sees only once or twice? A. No.

Q. You were a police officer? A. Yes, sir.

Q. And out beyond the hotel was the ocean? A. Yes, sir.

Q. On which American warships were sailing? A. Yes, sir.

Q. On which American troop ships were going to France? A. Yes, sir.

Q. And you were watching this place to prevent anything occurring at this place that might interfere with the passage of those ships, weren't you? A. Yes, sir.

Q. Long Beach, Mr. Pettit, was a very particular spot, with that idea in mind, wasn't it? A. Very particular.

Q. From Long Beach you could see the ships pass out from Sandy Hook, couldn't you? A. Yes, sir.

Q. And, therefore, you knew that you were assuming a great and grave responsibility in watching and observing strange and suspicious people who came to that resort, didn't you? A. Yes, sir.

Q. Now, then, under such circumstances, this woman having been under observation and suspicion, you say you did not take any kind of notice of the kind of hat or cap or straw hat or derby that Mr. Robinson wore? A. No, I did not take particular notice.

Q. How many times will you swear you saw Mr. Robinson in bathing there? A. I said once.

Q. Didn't you say, a moment ago, twice? A. No, sir.

Mr. Jeremiah O'Leary—Read that record.

The Court—What he said the first time was "once," and then he said "once or twice."

Q. Just a moment ago you said "once or twice." A. Probably, I said "once," I think, when you asked me.

Q. You know it is a serious case? A. I have an idea so.

Q. Well, then, under those circumstances, don't you think you ought to be a little bit careful in your testimony as to the number of times you say you saw one of these men in bathing at Long Beach? A. I am very careful. I said once or twice, once.

Q. Didn't you a moment ago, in answer to my question, say that when you were asked about Robinson being in bathing at Long Beach, you testified once? A. Once or twice.

Q. Now, then, is it not a fact you were asked "Did you say 'once or twice,'" and did you answer "No." A. No, I don't think I did. I said once or twice.

Q. Mr. Pettit, let us see if we can get our minds down to what happened here in court before our own eyes. A. All right.

Q. Weren't you a moment ago asked how many times you saw this man in bathing, and you answered "once"? A. Yes.

Q. Then later on you were asked the same question, and you said "once or twice." A. Yes.

Q. Then, later on, when you were asked the question again, how many times you saw him, you said again "once." In other words, you testified twice he was there once, and once that he was there once or twice; isn't that right? A. I don't think so.

Q. And then weren't you asked, at a later moment, didn't you testify previously that this man was there once or twice, and didn't you say "No." A. I don't think I did.

Q. Did you ever see Colonel Felder at Long Beach? A. Yes, sir.

Q. Don't you know Colonel Felder was never at Long Beach in his life? A. No, I don't know it.

Q. When did you see him at Long Beach? A. I won't say when.

Mr. Felder—At what place in Long Beach?

Q. When did you see Colonel Felder there? A. I won't say positively.

Q. Is all your testimony you have given heretofore as true as your testimony that you saw Colonel Felder at Long Beach? Yes or no. A. The question is too long; I can not answer it.

Q. You say that question is too long? A. Yes.

Q. I will put it to you again. I will try and make it very simple. Is all your testimony that you have given here on the stand about Mr. Robinson and about myself, as true as your testimony that you saw Colonel Thomas B. Felder at Long Beach? A. No.

Q. Now, Mr. Pettit, you said you made a report to the Naval Intelligence Bureau about Mr. Robinson and I being in company with this woman? A. No, I didn't say so. You didn't ask me.

Q. Didn't you swear a few minutes ago, that you reported the matter, but that you didn't report it in writing? Yes or no.

A. I didn't mention any names.

(Note how the witness avoided a direct answer.)

Q. Mr. Pettit, are you here to testify to the truth or are you here committing perjury? Yes or no. A. I am here to testify to the truth.

Q Now, Mr. Pettit, you are smiling at Mr. Osborne, I see. A. Not particularly, no.

Q. Don't you know, Mr. Pettit, that Mr. Osborne made a remark, and you looked down and smiled at him? A. I didn't hear what he said.

Q. Now, Mr. Pettit, that is something that just happened before the jury. Don't you know you looked down at Mr. Osborne and smiled at him? *A. I was looking at him when I smiled.*

(A clear contradiction.)

Q. A moment ago you said you didn't, didn't you? A. No; I said I didn't hear what he said.

Q. Now, Mr. Pettit, we have it, then, that in your previous cross examination you were asked whether you made a report of this matter to the Naval Intelligence, and you stated that you made a report, but that you didn't make it in writing. A. *I used the telephone.*

(A new detail supplied.)

Q. Mr. Pettit, a few minutes ago on your cross examination, weren't you asked the question "Did you make a report of this matter to the Naval Intelligence Department," and didn't you say "Yes." A. Yes.

Q. And then weren't you asked the question following: "Did you make the report in writing," and didn't you say "No." A. Yes

Q. Now, then, just a moment ago you stated, did you not, that you did not report the matter to the Naval Intelligence Bureau? A. No, I didn't say so. I said I didn't give any names, because I didn't know any names. I used the telephone to Bath Beach, to the Naval Intelligence Bureau.

Q Now, these were three suspicious people you were watching, Mr. Pettit, weren't they? A. Why, I don't think so.

(Later the witness contradicted this statement flatly.)

Q. Didn't you testify, and didn't you intend to testify, in your direct examination and in your previous cross examination, that you took particular notice of this woman and the people who saw her, because it was your duty, as you say, to watch newcomers at Long Beach? Didn't you say that? A. I said I reported newcomers to the Naval Intelligence Bureau, and they watched them.

Q. Didn't you say that you also watched them? A. Yes; the best that I could.

Q. How long did these people stand in front of the Long Beach Hotel? A. I don't know.

Q. Do you now say there were Naval Intelligence people watching those people at that time? A. I said I didn't know.

Q. Now, then, you don't know, then, at that time whether there were any Naval Intelligence people watching these people, do you? A. I don't know, not positively.

Q. Not knowing that at that time, you didn't take any further notice of them? A. I said I didn't follow them.

Q. Now, the first time you saw Robinson, he was on a settee with Madame Victorica? A. Yes.

Q. The second time you saw him, you say you passed the time of day, and it was in the evening? A. Yes.

Q. And Madam Victorica was not there? A. Not there, not at that time.

Q. Now, another time was when you say you saw this man Robinson and this Madam Victorica and myself leaving the hotel together? A. Yes.

Q. Another time was when you say you saw this man Robinson in bathing? A. The one time I saw Madam Victorica and Robinson on the settee, that is the same time I saw you coming out with them later.

Q. Are you sure about that? A. Yes, that is what I say.

Q. Now, Mr. Pettit, the third time, which is the second time you saw them on the settee together, what time of the day was that? A. I think it was in the afternoon. I won't say for sure.

Q. That was the time you say you saw Robinson, Mme. Victorica and myself coming out of the hotel together? A. No, the first time I saw Robinson was when he was sitting on the settee in the hall of the Hotel Nassau, and later I saw you coming out with him.

Q. I am speaking about the third time, Mr. Pettit, which would be the second time you saw him on the settee. A. Yes, sir; that is right.

Q. What time of the day was that? A. I don't know.

Q. Were you in uniform or out of uniform? A. I really don't know that. Probably out of uniform.

Q. Was there anybody with you at the time? A. No.

Q. Did you talk to anybody in the lobby? A. I might have spoken to some of the clerks.

Q. Did you see anybody you knew there? A. In the hotel?

Q. Yes. A. Oh, yes.

Q. At this time? A. Yes.

Q. You saw these two people on a settee in the lobby that you had under observation? A. Yes.

Q. Did you talk to anybody about it? A. No.

Q. Did you talk to any of the hotel clerks about it? A. No.

Q. You saw these two people that you had under observation, that you were suspicious of, and you did not talk to anybody about it? A. No.

Q. How long did you observe them? A. I stayed around a while, at different times; I stayed various times.

Q. On that occasion how long did you observe them together? A. Oh, probably fifteen minutes.

Q. This lobby was a place where people lounged around? A. There are writing desks in there, and settees.

Q. And it is a place where I understood you to say there was an office? A. Yes.

Q. There were clerks there? A. The clerks were inside.

Q. There were employes of the hotel going back and forth all the time? A. Yes.

Q. And you observed them for fifteen minutes there, and did not pass any remark to anybody in the lobby? A. No.

Q. Where were they seated the second time? A. Right by the elevator.

Q. About the same place? A. About the same place. There is a round settee in the middle of the hall.

Q. Where did you stand when you observed them? A. Right by the office.

Q. Were you standing there all the time during those fifteen minutes? A. Probably so.

Q. Were the faces of these people toward you or away from you? A. Sidewise.

Q. You say that on a previous occasion you had already spoken to Robinson and passed the time of day? A. Yes.

Q. And you say also that Robinson knew you? A. Yes.

Q. And you were the chief of police of Long Beach? A. Yes.

Q. And this man was engaged, as stated here, in dangerous undertakings, and you say he sat there, knowing you, and talked to that woman for fifteen minutes? A. Yes.

Q. Did he act suspiciously? A. No.

Q. Did he act nervously? A. No, sir.

Q. What kind of clothes did he wear? A. A dark suit.

Q. *Was he there on that second occasion when you got there or did you follow him in the hotel? A. He was walking up and down when I went in.*

Q. *Do you say that this woman met him then?* A. *Yes; she came down on the elevator.*

Q. Was anybody with her? A. No.

Q. They then went and sat down on the settee? A. Yes.

Q. Did you leave them there when you went away? A. Mme. de Victorica took the elevator upstairs.

Q. And then, according to that, she came while you were there and she went away while you were there? A. Yes.

Q. And did this man go away then? A. Yes, I think he did.

Q. When he went away, did you follow him out of the hotel? A. No.

Q. Did you pass the time of day on the way out? A. No.

Q. You were standing by the desk? A. Standing by the desk.

Q. He had to pass you to go out? A. Quite some distance away.

Q. You were in plain view there? A. Yes.

Q. You were watching him? A. No, not particularly. I knew he was there.

Q. Did this man at that time have a mustache or was he clean shaven? A. Mustache.

Q. Don't you know Willard Robinson never wore a mustache in his life? A. No.

(Willard J. Robinson never wore a mustache in his life. This testimony created a sensation because Pettit was to be a star witness against Robinson.)

Q. Now, Mr. Pettit, when you came into this court room, you picked me out as the second man that you say you saw down at Long Beach. A. Yes.

Q. How did you know before you came here, since you never identified me before, that the man you saw was Jeremiah O'Leary? A. I don't know yet. I don't know your name.

Q. How did you know at the time you were subpoenaed, at the time you were questioned by Mr. Borchard, how did you know that the man they were talking about and the man they were after was the man who was up on trial here today? A. They showed me pictures of you.

Q. Ah! They had pictures in their pockets, did they? A. Yes.

Q. Who showed you the picture? A. I don't remember.

Mr. Jeremiah O'Leary—I ask the government to produce that picture.

Mr. Osborne—If you will identify which particular one it is, Mr. O'Leary, we will produce it.

Mr. Jeremiah O'Leary—You have lots of them. Produce them.

Mr. Osborne—I have not one of them. If you will identify the picture, I will get it for you.

Q. Is all your testimony, Mr. Pettit, as true as your testimony that Willard J. Robinson wore a mustache? A. No.

Q. Don't you know that your testimony is false? A. No.

Q. What kind of a photograph was it that you were shown? When was it, in the month of April, 1918? A. I don't know.

Q. Won't you tell us now when it was shown to you? A. No, I don't know.

Q. Don't you remember? A. No. If I remembered, I would tell you.

Q. It was not until the month of April that the matter was first broached to you, was it? A. Around that time.

Q. Was there a photograph of Willard J. Robinson shown to you, too? A. I believe there was.

Q. Was there a mustache on it? A. That I don't remember.

Q. Don't you know there was not? A. No.

Mr. Jeremiah O'Leary—Has the government got that photograph?

Mr. Osborne—I don't know. I will send out for it.

Mr. Jeremiah O'Leary—I ask the government to produce the photographs of Willard J. Robinson—all the photographs they have in their possession, and of myself.

Mr. Osborne—I have sent for your photographs.

Q. Is Willard J. Robinson light or dark? A. I should call him medium.

Q. How do you refer to me? Am I light or dark? A. Medium. You have dark hair.

Q. And how do you describe Juror No. 12? Is he light or dark? A. I think he is medium, dark hair.

Q. What was the color of Mr. Robinson's mustache? A. I don't know.

Q. What kind of a mustache did I wear? A. I don't know.

(The witness would not commit himself on whether or not I wore a mustache.)

Q. Now, then, the man you saw with this woman wore a mustache, according to your testimony, didn't he? A. I didn't say so.

Q. You now say that the man you saw did not have a mustache? A. You say the man I saw with the woman.

Q. You testified a moment ago that Willard J. Robinson had a mustache, and the man you spoke to had a mustache. A. Yes.

Q. Now, then, if Willard J. Robinson did not have a mustache at that time, then he was not the man you saw? A. *No.*

Mr. O'Leary—That is all.

Mr. Felder—If your Honor please, with the permission of the Court, I want to ask just a question or two.

By Mr. Felder—Q. What time in 1917 was it you saw me at Long Beach? A. I did not say in 1917 it was that I saw you there.

Q. What year was it? A. I did not say any year.

Q. You said you saw me there. A. I said I thought I saw you there.

Mr. Jeremiah O'Leary—Oh, no, you said you saw him there.

Q. You said you saw me there. A. Yes.

Q. You were not looking out for people except in the year 1917, were you? A. Why didn't I? I was there from 1915.

Q. Do you remember whether I came down in an automobile or on the train? A. No.

Q. Where was I when you saw me? A. I don't know.

Q. Why do you think you saw me there? A. Because I think I saw you there.

Q. Are you as positive about that as that you saw Jeremiah O'Leary there? A. Oh, no; I am not so positive I saw you as I am I saw Jeremiah O'Leary.

Q. You stated a few moments ago you saw me? A. Yes.

Q. But you don't know what year? A. No.

Q. Did I have a mustache? A. No, I don't remember that.

Q. And you don't remember whether it was 1917, 1918, or 1916? A. No.

Q. But you are quite positive you saw me there during one of those years? A. Why, yes.

By Arthur T. O'Leary—Q. Were you watching this Madame Victorica particularly? A. After I got word from the Department of Justice.

Q. When was that? A. I won't be sure about that.

Q. What is your best recollection of the date? A. In June, 1917.

Q. Who gave you that information from the Department of Justice? A. One of their agents.

Q. Who was it? A. I don't know.

Q. Did that come by telephone? A. Yes.

Q. Then these two men, Mr. O'Leary and Mr. Robinson, were the only people outside of that other woman who was with her at any time you saw her? A. That I saw her, yes. She might have had other people with her when I didn't see her.

Q. I am asking about what you saw. A. Yes.

Q. Then your testimony is that the only persons you ever saw with Victorica at Long Beach was this woman and these two men, O'Leary and Robinson? A. Oh, no.

Q. Oh, you saw other people with her? A. Yes.

Q. What other people? A. I don't know his name.

Q. You don't know his name? A. No.

Q. Was it a man? A. Yes.

Q. Describe him. A. He is a man about my height, a little more hair than I have, with a sandy goatee.

Q. When did you see that man with her? A. In the summer of 1917.

Q. What time in the summer? A. In the Summer; either July or August.

Q. How tall was this man? A. I think as tall as I am.

(This was intended as a description of John T. Ryan, who is not over 5 feet 10 inches tall.)

Q. How tall are you? A. I am six feet.

Q. Was this man with these other two men, with Victorica when you saw them? A. No; she used to meet him at the train, the other man.

Q. What other people did you ever see with Victorica outside of those you mentioned? A I don't think I saw her with anybody else.

Q. You never saw her with anybody else? A. No.

Q. At any time? A. No, I don't think I have.

Q. And, as I understand your testimony, that last statement applies to all the time she was at Long Beach? A. Yes.

Q. All the time she was at Long Beach you never saw her with anybody except a young woman? A. Yes.

Q. This man that was as tall as you are, whom she used to meet at the train, as you say? A. Yes, every Sunday morning.

Q. And Mr. O'Leary and Robinson, that is all? A. That is all I remember.

Q. There was nobody else? A. I don't think so.

Q. Do you know Mr. Jenser? A. No, I would not know him if I saw him.

Q. Or Mrs. Jenser? A. No. I had several communications over the telephone with him.

Q. *Now, at the time you were observing Madam Victorica and O'Leary and Robinson, as you say, you were rather suspicious of them, weren't you?* A. *Yes.*

Q. *You were quite suspicious of the trio, of the three?* A. Not of the men. *I was suspicious of her.*

Q. *You were suspicious of her?* A. *Yes.*

Q. *And that caused you to be suspicious of anybody she was with, did it not?* A. *Sure.*

Q. *So that you were suspicious about these two men whom you described as O'Leary and Robinson, when you saw them with Victorica?* A. *Yes.*

Q. *That is your testimony?* A. *Yes.*

Q. *You are sure of that?* A. *Yes.*

Q. *Now, Mr. Pettit, didn't you state on your cross examination by Mr. O'Leary that you did not think they were suspicious?* A. *I don't know whether I did or not.*

Q. *Will you swear you did not?* A. *No.*

(A perjurer should have a better memory because previously the witness stated as indicated.)

Q. *Then you may have said you did not think they were suspicious?* A. *I might have said I did not think that they were suspicious.*

Q. *How do you square that with the statement to me a moment ago that you did think they were suspicious?*

Mr. Osborne: *He didn't say he thought they were suspicious.*

A. *They might be suspicious. They were not as suspicious as she was.*

Q. *I didn't ask you about any degrees of suspicion. I asked you as to your testimony here today. In response to my questions you stated that you were suspicious of the men you described as O'Leary and Robinson when they were with Victorica at Long Beach. That was your testimony, wasn't it?* A. *I don't know. If you say so, it is.*

(Note the utter helplessness of the witness when snared.)

Q. *I am not saying so. I am asking you to say so.* A. *I don't know. I don't remember now.*

Q. *You don't remember your testimony?* A. *No, I don't remember whether I said they were suspicious or not.*

Q. *What is the fact? Were you suspicious of them or were you not suspicious of them? I am just asking you the fact.*

A. *I was, to a certain extent, yes.*

Q. *Then your testimony is that you were suspicious of them?* A. *To a certain extent.*

Q. *Now I ask you again, Mr. Pettit, if you did not state previously here this morning that when you saw the men described as O'Leary and Robinson and the woman Victorica come out of the hotel together and walk east, that you did not think they were suspicious? I ask you if you did not say that this morning on your cross examination?* A. *Did I say that? Yes.*

Q. *Then you did say that?* A. *Yes.*

Q. *So that this morning, in response to questions, you stated you did not think they were suspicious, didn't you?* A. *I think I did.*

(The witness now admits he did state **they** were suspicious.)

Q. *And now, later, a few moments ago, in response to my question, your testimony is that you did think they were suspicious?* A. *To a certain extent; enough so that I reported that to the Naval Intelligence Bureau.*

Q. *Which statement is true, your prior statement that you did not think they were suspicious, or your later statement that you did think they were suspicious?* A. *I did not say both times. I said they were suspicious enough so I reported them to the Naval Bureau.*

. . . .

Q. *Didn't you admit to me, a few moments ago that in your cross examination this morning you stated that you did not think the three persons I named were suspicious, as they walked out of the hotel?* A. *Did I say that this morning?*

Q. *I am asking you if you did not tell to me, a moment ago, that you did say that?* A. *Yes.*

Q. *Then you did say that?* A. *Yes.*

Q. *Then you did say, early this morning, that you did not regard those persons with suspicion, did you not?* A. *Not particularly, I said. That is the answer I gave this morning.*

Q. *Then your recollection is that the answer you gave this morning was that you did not regard them with particular suspicion? Is that your testimony now?* A. *Yes, that is right.*

By Mr. Jeremiah O'Leary: Just look at that, Mr. Pettit (handing Mr. Robinson's photograph to witness). Can you find a mustache on that face? A. No.

Q. Look at that face (referring to Mr. O'Leary's photograph). There is no mustache on it there, is there? A. No.

Q. The picture in the paper is my picture? A. This is your picture.

Q. The picture on cardboard is the picture of the man you say was Robinson? A. Yes, sir.

(While "chief of police" Pettit was being cross examined he showed signs of collapse. Observing this, I asked him if he would like a glass of water. He eagerly replied, "Yes." As I was handing him the water he stood up and as he did so, his knees sank under him causing him to fall into my hands. I caught him, placed him back in the witness chair, remarking: "Don't collapse, I am not through with you yet." In appearance Pettit looked like a man who would impress a jury. Had I not cross examined him severely his testimony might have been accepted as true.)

VIII

FELIX M. BRECHER BREAKS DOWN.

Felix M. Brecher was called by the government to prove that Mme. Victorica came to the United States on the "Christianafjord" in January, 1917. On the stand the witness was shown a picture of the woman. He looked at it carefully and although an excellent likeness, he said the woman who came over was not Victorica. This answer caused a sensation in the courtroom. The government attorneys were dumfounded. The witness was withdrawn at once and ordered to wait. Just why a photograph was used instead of the woman in person can be readily imagined by the reader. The madame was a drug addict and drug addicts are unreliable. It would be quite dangerous therefore, to have her in court. Her appearance might not be good. It would be a hard task to prepare her for court and then no one could tell just what she might do.

So Brecher had to wait. Later, the drug addict was brought not to court, but into Mr. Osborne's office, and Brecher was requested to go there. Amidst great secrecy he left, and surrounded and guarded by Dr. Frederick Bischoff the government chief "sleuth," entered Osborne's office. What happened there few know. Whatever did occur, Brecher later appeared on the stand and changed his testimony, and although Mr. Osborne stated in open court that he, Brecher, had talked with Victorica, Brecher who had not heard Osborne's statement swore he had not talked to her at all. His testimony, reproduced verbatim from the record follows:

Direct Examination by Mr. Osborne: Q. Mr. Brecher, what is your business? A. I am a salesman.

Q. In the year 1917 were you in Europe? A. In 1916; I came home in January, 1917.

Q. What port did you sail from in Europe? A. Bergen, in Norway.

Q. On what boat? A. I believe it was the Christianafjord. It was either the Christianafjord or Bergenfjord, I don't recollect exactly.

Q. What line? A. On the Norwegian line.

Q. And what day did you dock here in New York? A. It was January 21st or 22nd; it was on Sunday afternoon, 1917.

Q. Did you meet a woman on board that boat by the name of Victorica? A. Yes.

Q. Would you recognize a photograph of her if you saw it again? A. Yes.

Q. I show you a photograph marked Government's Exhibit 102 for identification, and ask you to state as to whether or not this is a photograph of the woman that you met? A. (Witness examines photograph.) No.

(Laughter and uproar in Court.)

Mr. Osborne: Then I will have to ask you to come back. I will bring the woman.

Mr. Arthur O'Leary: Let me see the photograph.

Mr. Osborne: Will you come back this afternoon at 2 o'clock? I will have to send for the woman.

The Clerk: That is not in evidence (referring to photograph).

Mr. Felder: Well, we will want this in right now. Mark it as our exhibit.

(Photograph received in evidence and marked Defendants' Exhibit A-62.)

Mr. Felder: Now, gentlemen, we will ask you to examine that (handing photograph to jury).

Felix M. Brecher, later recalled. Direct Examination by Mr. Osborne: Mr. Osborne: Will you stand up, madam, please?

(Madam Victorica stands up in court room.)

Mr. Osborne: Sit down again.

Q. Mr. Brecher, since you were on the stand have you had an opportunity of talking to Madame Victorica who has just stood up? A. I did not understand the question.

(Question read.)

Q. What do you mean? A. I have seen Madam Victorica, but I have not talked to her.

Q. Have you looked at her carefully? A. Yes, sir.

Q. Can you state whether or not that is the woman you met on board the ship, on the trip you have described to the jury? A. Yes.

Mr. Osborne: You may examine.

Mr. Arthur O'Leary: No questions. I move to strike out the testimony of this witness upon the grounds stated as grounds of objection; and upon the further ground that the testimony of the witness is worthless, has no probative value; upon the ground he previously stated very emphatically, when shown a very good photograph of Madam Victorica, that she was not the woman.

The Court: Motion denied.

Mr. Arthur O'Leary: Exception.

Later—the defense proved that Madame Victorica and witness Brecher were brought together in Mr. Osborne's office, previous to Brecher's change of testimony.

After Aubrey Pettit came a soldier named Lynch, a former bellboy at the Long Beach Hotel, who admitted that he had been specially ordered by General Pershing to proceed from France to testify against me at the trial. He admitted finally that he had never seen me with Victorica, and although he claimed that he had seen me in the company of a man supposed to be Ryan, who was later seen with Victorica, he admitted that I may not have been with this man at all. The testimony of this witness had no probative value. Lynch tried hard to help the Government. He failed because he was not telling the truth. At this point, the prosecution seemed to be in a panic, and although it had about fifteen more witnesses present in the courtroom, Mr. Marshall and Mr. Osborne held an earnest consultation and decided to dismiss the remaining witnesses, save Arthur L. Lyons, who had been my managing clerk, and Russell Bryan, one of the Secret Service agents, who arrested me in the West and brought me to New York.

Lyons' testimony was another unfavorable surprise to the Government. It clearly favored me, and although the witness was in a very difficult position, because of the testimony he had given at the trial of my brother, John, he now made it very clear that he had been the victim of the most outrageous third degree methods ever used in a Court of Justice. Lyons testified that he had been held incommunicado for fifteen days, contrary to every right of an arrested person, and that he had been compelled to sleep on a table, while his wife, the mother of his three small children—was threatened with an indictment which Mr. Barnes told him had been filed, although, as a matter of fact, it had not been filed. Bryan's testimony was brief and to the effect that I had been arrested on the ranch, had readily admitted my identity, and had offered no resistance. The Government thereupon rested its case, and the Court denied all motions of the defense to dismiss the charges. Before I take up the defense, I shall interpolate the testimony of Charles A. Martin, called by the government in rebuttal. His testimony is properly a part of the government's direct case and therefore belongs here.

IX

THOU SHALT NOT BEAR FALSE WITNESS.

One of the most tense and sensational incidents of the trial was the cross-examination of Charles A. Martin, a hull inspector from San Francisco. Martin journeyed all the way across the Continent to swear that between January 1 and January 16, 1917, he had seen me on three occasions in conversation with one "Roediger," an alleged German spy, in a ten, twenty and thirty cent restaurant, called the "Mecca," on Broadway, between 145th and 146th Streets. This testimony was vital, because it formed a link to connect me with one who apparently was a desperate German spy. If it stood I would be convicted unquestionably in the "Bull" case. Conscious of its falsity and of my innocence, I decided to cross-examine him. Before he had finished his direct testimony I was on my feet with my right hip leaning against the jury rail, my arms folded, glaring at him straight in the eye. When I arose, I noted that his lips quivered and that unconsciously he paled a trifle and looked the other way. Although no one in the courtroom observed such slight changes, to me they carried assurance of weakness, the consciousness within the man that he was deliberately committing perjury, and that the man who stood before him knew he was a perjurer. Mr. Osborne asked me to "sit down." I answered, "I shall stand here and confront this man. He is committing perjury," and I remained standing until his direct examination was concluded.

Subsequently, when Albert Paul Fricke was placed on trial, charged with treason, Martin, despite the fact that his testimony had been rejected by my jury, and notwithstanding the grilling I gave him and the unmistakable demonstration that he was a perjurer, was called by the Government to testify to almost the same facts against Albert Paul Fricke that he had sworn to against me; that is to say, he was used to connect Fricke with Roediger by swearing that he had seen Roediger and Fricke together on several occasions at the Mecca restaurant. At this very time Fricke was convalescing from a serious illness at Lakewood, New Jersey, and produced in court a hotel register and indisputable proof that such was the fact. In charging the jury in the Fricke case Judge Julius Mayer said:

"The defense has proved beyond a demonstrable doubt *that Martin was mistaken.*"

It is a very grave affair for any Government to produce as a witness to testify against an American citizen in a treason case—one of its own employes—who had been discredited by a previous jury and finally is judicially declared by a trial judge "beyond a demonstrable doubt" to be "mistaken," which was another way of charging that Martin was a perjurer. Martin is still at liberty. Martin had an accomplice in his perjury; one Abeles, a former proprietor of the Mecca restaurant, who was ready to swear falsely against me. He weakened however, when he saw the wretched spectacle Martin made of himself on the witness stand. He said my face was familiar, but he couldn't say he had seen me with Roediger in his restaurant, although Mr. Osborne, in order to disconcert me, when I was grilling Martin, said, "I have six waiters to corroborate him." This remark was made in the hearing of the jury and my counsel. Besides Abeles, a waiter was produced who refused to corroborate Martin; the other five failed to materialize except that later on we proved that Dr. Frederick Bischof, an American Protective League "detective" had endeavored to spirit several waiters from the courtroom when Martin collapsed. They were not called to testify.

Of Abeles, who testified in the Fricke case to corroborate Martin, Judge Mayer declared in his charge to the jury:

"I do not believe a word that Abeles said. You can think what you like; he is just to my mind a curious, queer creature, who is looking for excitement every minute of his life."

Such are the judicial comments with which I introduce to my readers a cross-examination that establishes more than anything in the case that somebody, some band, some influence, was engaged in "framing me up," as a friend had informed me "to hang you." The newspapers didn't print any of these revelations. The public would be shocked. I leave it to any impartial reader to judge if I was not perfectly justified in every conclusion I arrived at, that I was being persecuted for political revenge, for political reasons too, because England, and at that time America, also, needed an Irish "traitor" to kill the Irish movement and bury it under the stigma of treason forever. I believe I am justified in asserting that Martin's advancement in November, 1918, immediately following which it is alleged he told his story to the Government, in view of what has since occurred, constituted bribery and subornation of perjury. It was a shocking scandal. For appearance, Martin was cleverly selected. He was an impressive looking man. His manner was calmly deliberate. His face was expressionless, almost judicial in its cast. His eye was grey, cruel and piercing. While testifying, he held his hands and feet well together. He artfully simulated pleasantness, smiled occasionally, but was cool and deliberate. As a lawyer who has had fifteen years experience before the bar, and who has cross-examined thousands of witnesses, I consider Martin a man specially selected for his appearance and daring. Every movement he made was trained, apparently advised, and when his crisis came on the stand he kept his head turned away from the jury towards his advisers, who sat on the opposite side of the court room. I was compelled to admonish him very frequently to look at me and at the jury.

His direct testimony took only a few minutes. He went into no details. My work was to break him down. I knew my liberty, perhaps my life, depended upon a conclusive demonstration that he was a perjurer. I had very little strength left. I prayed for more, but yet I undertook the task which proved to be the effort that opened up my prison doors. I had caught Aubrey Pettit, who connected me with Victorica. Colonel Felder, aided by my brothers, John and Arthur, had trapped the unspeakable Mme Gonzales. Drs. Lichtenstein, Jelliffe, Jacobi and Conley had disposed of Madame Victorica. Martin was the last barrier between me and liberty. For the enlightenment of my readers, I quote excerpts from the cross-examination. They are to be found in the appendix. On reading Martin's cross-examination, the reader should endeavor to understand that it is not the ordinary cross-examination of the lawyer. On the contrary, it is an examination conducted by the defendant himself, charged by Martin with being in the Mecca restaurant and meeting Roediger, an alleged German spy. It is therefore an examination with human interest, one in which the accused faced the witness, confronting him, not by standing up, as is usually the case, but by a rapid fire of questions which could only be inspired by the consciousness of innocence. It is all summed up in my own question and Martin's answer:

"Don't you know, Mr. Martin, that I know whether I was in that restaurant? Don't you know you are being questioned by a man who knows whether what you are saying is true or false?" To this be very sheepishly answered, "Yes." Martin's cross-examination in part follows. I regret that space forbids its complete publication, but I have set forth sufficient to show how completely his testimony was shattered.

Cross examination by Jeremiah A. O'Leary (Continued):

Q. Did you go to Bellevue Hospital last night? A. Yes, sir.

Q. Did you go through the prison ward? A. Yes, sir, No. 26.

Q. Did you find you were mistaken? A. Yes, sir.

Q. You found, didn't you, that the prison ward is composed of two rooms? A. Yes, sir.

Q. And you found that the door to the ward where my bed and screen were, did not enter into that part of the ward at all, didn't you? A. Yes, sir.

Q. In other words, you found that your diagram, which is marked Defendant's Exhibit A-63 in evidence, is wrong? A. Yes, sir.

Q. Now, how about the bathrobe? A. What about it.

Q. How about the bathrobe? Is the bathrobe still white? A. Yes, sir.

Q. It is? A. Yes, sir.

Q. *Please look this way, Mr. Martin.* You say the bathrobe, to your recollection, is still white? A. Yes, sir.

(The witness could not look me in the face nor could he face the jury.)

Q. (Speaking to associate at counsel table.) Will you please go out to 319 and bring in that bathrobe? (To witness.) Are you color blind? A. No, sir.

Q. You told us yesterday that by occupation you were a navigating officer? A. Yes, sir.

Q. What are his duties? Tell us what he does?

The Court: Don't be so slow about answering a question like that. That relates to your profession. Go ahead.

(The witness had been answering in a subdued voice and very slowly. He was on the verge of collapse at this point.)

A. Figure out the ship's position by observation of the sun and other heavenly bodies; stand watch on the bridge.

Q. Is there anything white about that bathrobe (exhibiting a brown bathrobe to witness)? A. No, sir.

(The bathrobe I wore was brown. The witness turned pale as he observed his error.)

Q. The navigating officer is concerned with directions, isn't he? A. Yes, sir.

Q. In other words, your occupation, before you went to work for the government, was taken up with the location of things? A. Yes, sir.

Q. You were trained in that line? A. Yes, sir.

Q. Despite the fact that you were trained in the location of things, you were unable yesterday to recollect the ward at Bellevue, or the entrance to the ward where my bed was, weren't you? A. I testified as best my recollection was.

Q. Did you or did you not state yesterday that your recollection of the man you saw at 145th Street and Broadway, was just as good as your recollection of the layout of things in Bellevue? A. Yes.

Q. Yesterday I went up close to you, I showed you that you were wrong in your recollection of things up there in the prison ward. After I showed you that, you still persisted that that was your recollection of it, didn't you? A. Yes, sir.

Q. I described the prison ward for you. I told you it had a partition between the convalescent side and the serious illness side. I told you that, didn't I? A. Yes.

Q. The fact that I told you that, did not refresh your recollection about it? A. Not any.

Q. I showed you it had two arches, one on one side and one on the other; that they were not doors, they were arches; there were no doors there. You did not recollect that either, did you? A. No.

Q. And did I not tell you, too, that the doors to the prison ward did not enter into the side that my bed was in, but into the convalescent side? A. Yes, sir.

Q. My statements to you of what the real conditions were when I went up close to you did not cause your mind to recollect more accurately just what the real conditions were? A. Not any.

Q. Do you remember my asking you this question: If it was not possible for you to be mistaken about those things? Do you remember that? A. No, I do not remember that.

Q. And you do not remember the answer you made to that question? A. No, sir.

Q. Do you remember my asking you this question: That if you were mistaken about the location of things in the prison ward which you saw only two or three or four months ago, would not it be possible you were also mistaken about the man you say you saw at 145th Street and Broadway? Do you remember being asked that question? A. Yes.

Q. And you insisting you could not be mistaken about that? A. Yes, sir.

Q. In other words, you are a man that can be mistaken about one thing and cannot be mistaken about another. Is that right? A. That is the inference you have drawn.

Q. I want to get what is in your mind. Is it a fact that you are an individual who can be mistaken about one thing that happened only recently, and cannot be mistaken about another thing that happened over a year or two years ago? A. In this particular instance, no.

Q. You know, if you admitted now that you were mistaken about those incidents at 145th Street and Broadway, you would be admitting you committed perjury. You know that, don't you? A. I am not committing perjury.

Q. I have asked you this question: Don't you know, if you admitted now that you were mistaken about the identity of the man you saw at 145th Street and Broadway, you would be admitting you committed perjury. You know that? A. Why, certainly.

Q. Don't you? A. Yes.

Q. Would you admit you committed perjury? A. No.

Q. In other words, if you were mistaken about what happened at 145th Street and Broadway, you would not admit it on the stand, would you? A. I am not mistaken.

Q. I did not ask you that question. I say, in other words, if you in your own mind knew that you were mistaken about what happened at 145th Street and Broadway, you would not admit it, would you? A. Why, certainly.

Q. You would? A. Yes.

Q. Didn't you say a moment ago that you would not admit that you committed perjury? A. No, I will not admit that I have committed perjury.

Q. Didn't you also say a moment ago in answer to my questions that you knew that if you testified now that you were mistaken about what happened at 145th Street and Broadway, you would be committing perjury? Wasn't that question asked and didn't you make that answer? A. Yes.

Q. Now, then in the face of that question and answer I ask you again would you admit that you made a mistake about what happened at 145th Street and Broadway? A. If I was sure I had made a mistake, I would admit it.

Q. Even if you had testified before that you were sure as to who the man was? A. Yes.

Q. You would admit it on cross-examination? A. If I was sure I had made a mistake.

Q. Don't you know, Mr. Martin—I ask you again—don't you know that you committed perjury when you said I was up in that restaurant with that man? A. No.

Q. You don't know that? A. No.

(The witness could not look me in the face, nor could he look towards the jury. He was pale and could speak only with great effort. His lips were parched and quivering.)

Q. Look down here. I ask you that question again: Don't you know you never saw me in that restaurant in your life? Don't you know that, Mr. Martin? A. No, sir.

Q. Now, you said yesterday, didn't you, in answer to a question, that your testimony about that identification was as accurate as your testimony about the white bathrobe that you say I wore? A. I do not remember that.

Q. Well, I will read it for you:

"Q. Was I in my civilian clothes? A. You had a robe on."

That question was asked you, and you made that answer, isn't that true? A. If you have it there.

Q. No; I want to know whether you recollect it, because you are testifying as to facts. Do you recollect being asked that question yesterday and making that answer? A. Yes.

Q. Now, then, do you recollect being asked this question and making this answer:

"Q. What was the color of that. A. White."

Do you recollect that? A. Yes, sir.

"Q. Mr. Martin, don't you know I did not have a white bathrobe on? A. I say you did."

Do you remember being asked that question and do you remember making that answer? A. Yes, sir.

"Q. You say I did? A. I say you had a white bathrobe on.

"Q. You guessed at that, didn't you? A. I did not.

"Q. You have a distinct recollection that I wore a white bathrobe? A. Yes.

"Q. There is no doubt about that in your mind? A. No.

"Q. Is that as true as all the evidence you have given here today? A. Yes.

"Q. There is no chance of your being mistaken about that, Mr. Martin? A. Not in my own mind."

Now, Mr. Martin, I ask you again whether you do not recollect yesterday having testified to those questions and the answers you gave that I have just read? A. Yes.

Q. Isn't that true? A. Yes.

Q. You did not leave any room for doubt in your answers yesterday that the bathrobe I wore may have been a color other than white, did you? A. Not any.

Q. You were positive about it? A. Yes.

Q. You did not hesitate to risk a comparison of that testimony with your identification, did you? A. Not any.

Q. You are positive in the same way about the identification as you were about the bathrobe? A. Yes.

Q. Now I ask you again on that point, whether or not it is not possible that you were mistaken about the bathrobe? A. No.

Q. It is not. Well, now, if you were presented—Mr. Martin, if you were presented with the nurse that was there, with the policeman who was in the ward, with the people who saw me on or about December 16, 1918, would you still insist that your testimony in that respect is correct? A. Yes, sir.

Q. You would? Now then, I will ask you again, is it not a fact that the reason you won't change your testimony about the bathrobe is that you have testified that your testimony about the identification is as positive as your testimony about the bathrobe. Isn't that the reason you won't change? A. No.

Q. Of course, you know, Mr. Martin, that where you testify to fixed conditions, such as the shape of this room, such as the presence of doors, the location of doors, you know that where you make a mistake about the location of fixed things that have not been changed, it is always possible to contradict you. You know that, don't you? Isn't that true? A. I do not understand you.

Q. I withdraw it, and will put it in another way. Where you have testified, as you did yesterday, about the location of fixed things, like the prison ward, like the partition, like the number of rooms, like the place where the door was located, you know that where you testified to such facts and you are mistaken about it, that you can be contradicted by a picture of the room and by a presentation of facts that absolutely contradict you? A. Yes.

Q. And that is the reason why you changed your testimony on it? A. On what?

Q. On the location of things in the prison ward, and on the layout of the prison ward. Isn't that the only reason why you changed your testimony, because you know we could bring here the whole Bellevue Hospital staff to contradict you? A. No.

Q. Well, it is because you went up there yourself? A. Because I was ordered to go and look at it.

Q. That is the reason why you changed your testimony, is that right? A. Yes.

Q. If you could see a picture of myself as I sat there that day, when you looked me over without my knowledge, and that picture showed I had a brown bathrobe on, you would change that too, in the same way? A. No.

Q. *In other words, if absolute evidence contradicting you was presented that I did not have a white bathrobe on, you would not change your testimony?* A. *No.*

Q. Mr. Martin, isn't it true that the reason you say "no," is because you know that in that record you have made the identification of the bathrobe as positive as the identification of the men you say you saw at 145th Street and Broadway? A. No.

Q. Where were you born? A. Pennsylvania.

Q. Were you ever convicted of a crime? A. No, sir.

Q. You testified you were the navigating officer of the Steamship Columbia? A. Yes, sir.

Q. Is that an American or British ship? A. American ship.

Q. What flag did it fly? A. American flag.

Q. When did you go to work on that ship? A. March, 1916.

Q. Where did you work before that and for whom? A. American-Hawaiian Steamship Company.

Q. As a navigating officer? A. Yes, sir.

Q. On what ship? A. The "Arizona."

Q. Plying between what ports? A. San Francisco, Seattle, Honolulu. Do you want all the ports?

Q. Well, it was a Western ship. A. From the West Coast of the United States to the East Coast.

Q. You went down around the Cape? A. Through the Panama Canal, through the Straits of Magellan, and around Cape Horn.

Q. When was it you began to work for the American-Hawaiian Steamship Company? A. The first time?

Q. Well, you worked there several times? A. Several times.

Q. When did you first begin to work there? A. I don't remember just now.

Q. About? A. About 1913, I guess; I am not sure about those dates.

Q. You began to work for the American-Hawaiian Steamship Company in 1913, is that right, about 1913? A. No, I do not know about those dates.

Q. Well, about; there is no object in this except to test your recollection? Is that your best recollection, about 1913? A. I can fix it definitely, but not at the present moment.

Q. What work did you do for the American-Hawaiian Steamship Company? A. I was an officer of the Steamer "Arizona."

Q. You continued to work for that company until 1916? A. No, sir.

Q. Well, I understand you had an interval there that you did not work for that company. What was that interval? A. I was on the "Arizona" about six months.

Q. That would carry you, say, to about the 1st of January 1914. Then whom did you work for after that? A. The Pacific Mail Steamship Company.

Q. For how long? A. Six months.

Q. That would carry us to about the middle of 1914. Whom did you work for after that? A. I went back to the American-Hawaiian Company.

Q. What ship did you work on for the Pacific Mail? A. The Steamer "Barraconta."

Q. You went back approximately, or about the middle of 1914, for the American-Hawaiian Steamship Company? A. Yes, sir.

Q. Then you worked for them again until 1916? A. Until February, 1916.

Q. And then you went to work for whom? A. W. R. Grace & Company.

Q. How long did you work for W. R. Grace & Company? A. A year.

Q. Then you went to work for whom after that? A. Oh, I do not just remember, several small vessels, several vessels in and out of San Francisco.

Q. When you say W. R. Grace & Company, did you refer to the steamship "Columbia"? A. Yes.

Q. Now, Mr. Martin, we have it that in February, 1916, you went to work for W. R. Grace & Company, is that right? A. March, 1916.

Q. March, 1916, you went to work for W. R. Grace & Company on the Steamship "Columbia"? A. Yes, sir.

Q. How long did you work on the "Columbia"? A. One year.

Q. That would carry you to March, 1917? A. Yes.

Q. Where did you go to work after that? A. I said to several small vessels out of San Francisco.

Q. What were the several small vessels? A. The "Girlie Mahoney," for one.

Q. Go ahead. You don't forget the names of steamers you worked on. A. Yes, I worked on so many of them, I cannot begin to tell you without thinking of the names.

Q. What kind of ship was the "Girlie Mahoney"? A. The "Girlie Mahoney" was a little steam schooner.

Q. Where did she ply to and from? A. From San Francisco to Point Arena.

Q. Where is that? A. California.

Q. How long did you work on her? A. About a month.

Q. Now, we have you up to March, 1917, when you went to work on the "Girlie Mahoney" for a month. That carries us to April 1st, 1917. Now what is the next ship you worked on? A. U. S. S. "McCullough."

(Note how the witness recalled the name, after first saying he could not remember. His purpose was clearly to conceal he worked for the government —if he could.)

Q. The United States Steamship McCullough? A. Yes.

Q. Where was she stationed? A. San Pedro.

Q. California? A. Yes.

Q. What kind of work did you do on her? A. Officer's duty.

Q. What officer's duty? A. Junior officer.

Q. Who was the Captain of that ship? A. Wiley.

Q. What was his first name? A. I don't know.

Q. You knew him as Captain Wiley? A. Yes.

Q. How long were you on the McCullough? A. A month and a half.

Q. The McCullough was a United States Government vessel? A. Yes, sir.

Q. When you went to work on the McCullough, on or about April 1st, 1917, you went to work for the United States Government? A. Yes.

Q. Yesterday you told us you did not go to work for the United States Government until November, 1918? A. *In this job.*

Q. Oh, now, Mr. Martin, don't qualify it. A. Oh, yes.

Q. You were asked yesterday, when you went to work for the United States Government, and you told me November 1*st,* 1918, *didn't you? A. On this job.*

Q. When you were asked a few moments ago to name the ships that you worked on by me, and when you stated that you could not remember their names, that they were small ships, wasn't it your purpose to conceal from this jury if you could the fact that on April 1st, 1917 you went to work for the United States Government; yes or no? A. No.

Q. At the time I asked you to name the ships that you worked on, did you have in mind the steamship "McCullough"? A. No.

Q. You had forgotten that at the moment, is that right? A. No.

Q. You had not forgotten it? A. No.

Q. Well, now, after you left the McCullough, did you continue in the service of the United States Government? A. Yes.

Q. What ship did you work on next? A. The U. S. S. "Perry."

Q. You have that name very readily, haven't you? You had it right at the tip of your tongue, didn't you? A. Yes.

Q. Now, what is the U. S. S. "Perry"? A. An antiquated destroyer.

Q. In the United States Navy? A. Yes.

Q. What work did you do on that ship? A. Deck officer.

Q. Were you commissioned? A. No, sir.

Q. Were you a petty officer? A. No, sir.

Q. What salary did you get when you worked on the McCullough? A. $1,700 and ten per cent.

Q. $1,700 a year and ten per cent? A. Yes, sir.

Q. What salary did you get when you went to work on the U. S. S. "Perry"? A. The same.

Q. How long did you work on the "Perry"? A. Seven weeks, about.

Q. That would bring us along to about the— A. The first of September.

Q. First of September, 1917? A. Yes.

Q. What is the next ship you worked on? A. The steamer China.

Q. Was that in the naval service of the United States? A. No, sir.

Q. What company controlled that and owned it? A. The China Mail Steamship Company.

Q. What position did you hold on that? A. Third Officer.

Q. What was your salary on that? A. $140 a month.

Q. How long did you work on the China? A. Eight months.

Q. Do you mean to tell this jury that a few minutes ago, when you said you could not remember the names of these ships, that you forgot the name of a steamship you worked on for eight months? What is your answer? A. No.

Q. Your answer is "no." Then when you testified a few minutes ago that the only one you could remember was that Jennie or Jessie or Geraldine Mahoney, did you testify to the truth? A. At that particular moment, yes.

Q. But you worked on the "Girley Mahoney" only a month and a half. You worked on the China eight months. Do you mean to say you could remember a ship that you worked on for a month and a half better than you could remember a ship you worked on for eight months? A. That was more than a year later, about a year later.

Q. Yes, and a year nearer to this trial. But isn't that so? A. Yes.

Q. You can remember things that happened long ago much better than things that happened yesterday and a few months ago. Isn't that so? A. Not necessarily.

Q. Your memory gets better as time passes. You remember it better, don't you? Isn't that so? In other words, time makes your memory better, doesn't it, Mr. Martin? A. Not necessarily.

Q. Hasn't it in this case? You testified here yesterday as to the location of certain things at Bellevue Hospital. You came back this morning and admitted you were mistaken. You were up there only three or four months ago. You testified here today as to certain things that happened away back in March, 1917, on a little ship, the "Girley Mahoney," but you could not remember the "Perry" and the "China" and the "McCullough," could you, when you were asked? A. Yes.

Q. But you did not remember them when you were asked, did you? A. I was thinking of other vessels that I was trying to connect with right after March, 1917.

Q. Weren't you thinking, Mr. Martin, about the testimony you gave yesterday? A. No, sir.

Q. That you went to work for the United States Government in November, 1918? A. No, sir.

Mr. Osborne—There is no such testimony as that in the record. Read his examination.

Q. Now, Mr. Martin—

Mr. Osborne—Read the first question you asked him.

Mr. Jeremiah O'Leary—Wait a moment. You can do that. You can straighten him out.

Mr. Osborne—You ought not to treat him unfairly.

Mr. Jeremiah O'Leary—No, not at all; and he ought not to treat me unfairly.

Mr. Osborne—He has not.

Mr. Jeremiah O'Leary—Oh, he has not! I am conscious of what he has done, Mr. Osborne. I am not afraid to face him here and look him in the eye.

Q. Mr. Martin, you did not pick out the Mecca Restaurant as the place where you saw me with this other man because that restaurant was out of existence? A. No, sir.

Q. Did you know it was out of existence before you took the stand here yesterday? A. Yes, sir.

Q. So you knew when you took the stand here yesterday that the defense in this case would not be able to get a diagram or a plan of that restaurant, didn't you? A. No.

Q. Well, you said you knew it was out of existence? A. Yes.

Q. But you did not think about whether we would be able to get the diagram or plan. That was not in your mind? A. I was not concerned about that.

Q. Now, Mr. Martin, was there any snow on the ground between the 1st of January, 1917, and the 16th of January, 1917? A. Yes.

Q. There was snow on the ground? How long did it stay on the ground? A. All the time, as far as I remember.

Q. Do you know what the freezing point is? A. 32 degrees Fahrenheit.

Q. You know that when the temperature rises to a point about 32 degrees Fahrenheit that snow melts? A. Yes.

Q. Do you know that on the 5th day of January, 1917, it was quite warm? A. I do not remember.

Q. You do not remember that. You have testified now that there was snow on the ground every day from the 1st of January, 1917, to the 16th of January, 1917, haven't you? A. As far as I remember.

Q. Now, do you want to change that testimony before I go any further? A. No.

Q. Is your recollection of what happened at 145th Street and Broadway in and around that restaurant as good as your recollection about whether or not there was snow on the ground all the time during those sixteen days? A. I do not know anything about snow.

Q. You don't know anything about snow? A. No.

Q. If you don't know anything about the snow, why did you testify there was snow on the ground? A. I merely remember it was cold weather.

Q. Now Mr. Martin, you are here testifying in a case where a man is liable to be sentenced for one hundred years. Do you know that? A. I have heard you make that statement.

Q. And you know that man has a wife and four children, too, don't you? A. No.

Q. Didn't you ever hear that before? A. I have heard you make the statement now.

Q. Don't you think you ought to be a little bit more careful since you are in the government service and know that, Mr. Martin, about your testimony? A. Naturally.

Q. Have you been careful? A. As far as I could be.

Q. Do you believe in God? A. What has that to do with the case?

Q. You have taken an oath to tell the truth. I ask you if you believe in the God before whom you took the oath? A. Yes.

Q. When you swore to tell the truth, did you intend to tell the truth? A. Absolutely.

Q. Now, in the face of the fact that you have testified there was snow on the ground from the 1st of January, 1917, to the 16th of January, 1917, and that later you told this jury you did not know whether there was any snow on the ground or not, will you retract your testimony, Mr. Martin, that you saw me at or around that corner at the times you have testified to? Will you do it? A. I will not.

Q. Will you still insist upon it? A. Yes.

Q. You are a sailor? A. Yes.

Q. You would notice winds, wouldn't you? A. Yes.

Q. And being a sailor, you would notice weather, too? Wouldn't you? A. To some extent.

Q. Don't you know that as a sailor that two of the things that are uppermost in a sailor's mind are wind and weather? A. Out at sea.

Q. Only at sea? You forget about them on land? Is that it? A. Yes.

Q. Do you remember where you sat? A. Yes.
(In the restaurant.)

Q. Will you please indicate on that diagram which is marked Defendant's Exhibit A-64 in evidence, the table where you sat. A. The third table from the front.

Q. Please mark it "M." The first time you were in, the table where you sat, the first time you were in, please mark it M-1? A. (Witness complies.)

Q. Now, the second time you were in the place, mark it M-2? A. Yes, sir.

Q. Have you marked it M-2? A. Yes.

Q. The third time you were in the place, mark it M-3? A. Yes.

Q. Now then, will you please mark on that diagram the table where you say I sat, O-1? A. Yes.

Q. The second time, L-2. A. Yes.

Q. And the third time, make an "L" or make an "R-3." A. "R"?

Q. "R," yes. A. (Witness complies and hands diagram to counsel).

Q. Now, you have the table, the same table all the time where you say you sat? A. Yes.

Q. The same table all the time where you say I sat. A. You did not sit there the third time.

Q. You have marked it? A. You did not sit at the table. Give me that back.

Q. You have marked it. Wait a moment, now. Just a moment before you get it back. A. All right.

Q. You have marked it with a mark running around the table from one side of it to the other. You have marked it O-1, L-2, hyphen R-3. Now, you did not say when I asked you a moment ago to mark where I sat on each occasion, you did not make any exceptions or reservations, did you, Mr. Martin? You did not. Now you want to make a little change, is that it? A. I want to put that correct. I want to make it right. You asked me where I sat on the third occasion and I went ahead and wrote it down following along your psychology.

Q. All right. Make your change, Mr. Martin. A. (Witness complies).

Q. Now, you have crossed out the R-3 on the paper, haven't you, on the paper, and you want to change your testimony to that extent accordingly, is that right? A. Yes.

Q. Now, since you have crossed me out, please put me somewhere. Put me back on there again, where I was.

The Court—You mean the third time?

Mr. Jeremiah O'Leary—Surely; that is the time he crossed me out.

A. In the aisle there, close to the coatroom. Not at any table.

Q. So the third time you say you saw me in there, I was standing in the aisle near the coatroom and not close to any table? A. Yes, sir.

Q. How many times have you talked to Mr. Taylor? A. Twice; besides passing the time of day.

Q. Have you talked to Doctor Bischoff? A. Yes, sir.

Q. How many times? A. I don't know.

Q. How many times have you talked to Doctor Bischoff about this case? Tell us now. You are a man of intelligence. Tell us. A. I don't know.

Q. About. A. I could not tell you.

Q. Do you mean to say you talked to him so many times you cannot remember. A. Exactly so.

Q. About this case? A. Yes, sir—no, not about this case; not about this case. This case is "Bull," is it not?

Q. That is what I thought it was all the time, but "Bull" has been buried two or three or four days ago. A. I have not spoken about "Bull" to Doctor Bischoff.

Q. Now, didn't you talk to Doctor Bischoff about the testimony you were going to give or that you have given at this trial? A. Yes.

Q. And you talked to him about that so many times you cannot remember? A. Yes.

Q. It did not take you very long to answer Mr. Osborne's questions, did it? It only took you about five or six minutes on your direct? A. Yes.

Q. And despite the fact your testimony was very brief, you talked to Doctor Bischoff about it so many times you cannot remember. A. Yes.

Q. Now, Mr. Martin, was it because your recollection was poor and he was helping you out with it? Was that the idea? A. Not at all.

Q. You just kept telling him about the thing all the time? A. Talking about it.

Q. You kept repeating to Doctor Bischoff what you told the jury yesterday? A. Yes, sir.

Q. Was it because you were so afraid that you might forget it that you kept repeating it and repeating it to him so many times that you cannot remember the number of times? A. I cannot remember the number of times.

Q. The question is that you were so afraid of forgetting it that you kept repeating it to him so many times that you cannot remember the number of times, is that right? A. There are too many questions there.

Q. Did you expect a little increase in your salary? A. Not any.

Q. If Mr. Taylor is pleased with your testimony do you expect he will recommend an increase for you? A. No, sir.

Q. Were you promoted, Mr. Martin, after you first told your story about this incident? A. No, sir.

Q. Were you promoted before you told it? A. No, sir.

Q. Well, did you tell your story first before the first of November, 1918? A. No, sir.

Q. Then you told your story after you went in the Government's employ? A. In this job.

Q. On this job? A. On this job.

Q. When was that? A. When I went on this, I went to work in this position in November, 1918.

Q. In other words you told your story that you told yesterday when you went to work on this job where you began work in November, 1918, is that right? A. After I had started on the job.

Q. Oh, they were about the same time? A. About the same time.

Q. In other words, you got your job first and told your story afterwards? A. Yes.

Q. You wanted to be sure you would get your job before you would tell the story, is that the way it was? A. No.

Q. Doctor Bischoff, he is quite an influential man in the Department of Justice, isn't he? A. I don't know.

Q. Where did you talk to him? A. 15 Park Row.

Q. That is what they call the Park Row Building, isn't it? A. Yes, sir.

Q. Up in the office of the Department of Justice? A. Yes,sir.

Q. Did he have you locked in a room? A. No, sir.

Q. You could go in and out whenever you wanted to, couldn't you? A. Yes, sir.

Q. How many times have you talked to Doctor Bischoff? Tell us. A. I don't know.

Q. How many times a week have you talked to him? A. Every day.

Q. How many hours a day have you talked to him about it? About? A. I don't know.

Q. Well, one hour? A. I don't know.

Q. Two hours? A. Sometimes for a few minutes, and sometimes for more than an hour.

Q. Do you mean to tell this jury that you talked to Doctor Bischoff about the testimony that took you not more than ten minutes to give yesterday so many times you cannot remember, and on some occasions for more than an hour? A. Yes, sir.

Q. A man who is an inspector of hulls for the United States government—that is your position, is that right? A. Yes, sir.

Q. The burden of seeing whether or not Uncle Sam's ships are properly constructed is upon you, isn't it? A. No.

Q. Well, you share part of the responsibility, don't you? A. Not in the construction of them.

Q. You inspect hulls, don't you? A. Yes, sir, I do.

Q. From the inside or outside? A. Both.

Q. To see that they don't leak, is that right? A. That is the idea.

Q. To see that they are properly rivetted? A. That is the idea.

Q. To see that they are not full of holes, is that it? A. Yes, sir.

Q. Is your recollection, or is your observation of the hulls as good as your recollection about the snow in January, 1917, Mr. Martin? A. I do not consider that relevant at all.

Q. You don't consider that relevant? You think you are perfectly competent to inspect hulls, is that it? A. I am in the position.

Q. You are working for the United States Government at this time? A. Yes.

Q. It is your duty to inspect hulls? A. Yes.

Q. Your place of work is where? A. San Francisco, California.

Q. You were brought on from San Francisco? A. Yes, sir.

Q. At the Government's expense? A. Yes, sir.

Q. To the City of New York? A. Yes, sir.

Q. For the purpose of talking about these incidents you have testified about? A. Yes.

Q. And to identify me, if possible; wasn't that it? A. That was part of it.

Q. Did you know that before you came? A. Yes.

Q. Had you been in correspondence with the Department of Justice by letter? A. No.

Q. By word? A. No.

Q. By agent? A. Yes, but not until the day before I started.

Q. From San Francisco? A. Yes.

Q. Did you come here with him on the train? A. Yes, sir.

Q. Did you talk to him about this case on the way East? A. No.

Q. Did you talk to him about it at all? A. No.

Q. Do you mean to tell this jury you travelled on a train from San Francisco to New York about your testimony in this case, and you did not talk to him from the time you left San Francisco until you arrived in New York? A. Not about the case.

Q. About the testimony? A. No.

Q. Is the other testimony you have given in this case as true as that? A. Yes; it is all true.

Q. All true? A. To the best of my knowledge and ability.

Q. Even the part you have taken back. Is that all true, too? A. Oh, you make me tired.

Q. That was not true, was it? A. What?

Q. The part you took back. A. In regard to Bellevue?

Q. Yes, and in regard to the snow. A. Oh, shucks.

Q. And in regard to the table, the O-1, the L-2 and the R-3, you took that back, didn't you? A. I took back the R-3.

Q. Who was the agent of the Department of Justice that brought you from San Francisco to New York? A. I came with a man by the name of Blanford.

Q. Is he a New York man? A. No.

Q. San Francisco man? A. Yes.

Q. Did you talk to him about the case before you came East? A. No.

Q. When did you arrive in New York? A. I do not remember the date; it was in November.

Q. November, 1918. A. Yes.

Q. How long had you been working for the United States Government when you were brought to New York? *A. I had just a few days before got the present position I have.*

Q. In other words, you got your job a few days before you started East to become a witness in this case, is that right? A. No.

Q. When did you get your job? A. November, 1918.

Q. What date? A. The 13th.

Q. You started to work on the 13th? A. Yes.

Q. It is the 13th today, do you know that? A. No.

Q. When did you start for New York, Mr. Martin? A. I do not remember the date.

Q. How long after the 13th of November was it you started for New York? A. A few days.

Q. How many days? *A. I don't know.*

Q. Did you talk over this case with any representative of the government before you got your job? A. No.

Q. Are you sure? A. Yes.

Q. Positive? A. Yes.

Q. Did you make any preparations to come to New York before you left San Francisco? A. No.

Q. You came on the jump, is that it? A. Yes, sir.

Q. Did you actually go to work out in San Francisco? A. Yes.

Q. Did you inspect any hulls? A. Not before I started.

Q. You were hired as an inspector of hulls by the United States Government, and you never did any of your work before you left San Francisco to come to New York, is that right? *A. Yes.*

Q. When did you arrive in New York? A. I don't know the date.

Q. What was the approximate date you arrived in New York? A. Approximately the 23rd of November.

Q. How many days did it take you to come cross country? A. Four days and a half.

Q. Did you come first class? A. Yes, sir.

Q. When you came to New York did you go inspecting hulls? A. No, sir.

Q. Where did you go? A. I went to the Park Row Building.

Q. The Department of Justice? A. Yes.

Q. Have you inspected any hulls ever since? A. Yes.

Q. Where? A. San Francisco.

Q. When did you return to San Francisco? A. The 23rd of December.

Q. 1918? A. Yes, sir.

Q. When did you leave San Francisco again? A. January 31st.

Q. And you have not been inspecting any hulls ever since? A. No.

Q. So you have been working for the United States Government since the 13th of November, 1918, and the only work you have done for the United States Government is between what dates? A. The 24th of December.

Q. The 24th of December and the 31st of January? A. Yes.

Q. Five weeks work, is that right? A. Yes.

Q. What have you been doing in the meantime? Having a good time? A. I have been here in New York.

Q. Drawing your salary from the government? A. Yes.

Q. Getting your hotel expenses? A. Yes.

Q. If you have not been living at a hotel, how is it you are drawing down hotel expenses? A. You can call it hotel expenses, if you want to; I have a room over in Brooklyn and get my meals where it suits me.

Q. And you get reimbursed by the government? A. Yes, sir.

Q. Did you get witness's mileage from San Francisco? A. Yes, sir.

Q. How much did you get?

Mr. Osborne—He is mistaken about that; he did not get mileage.

Mr. Jeremiah O'Leary—Let him alone, Mr. Osborne; don't tell him anything.

The Witness—Actual travelling expenses.

Q. Is that all? A. That is all.

Q. You have practically been in the custody and in the company of agents of the Department of Justice ever since the 31st of January, 1919, haven't you? A. No.

Q. You have not? A. No, sir.

Q. Did you ever meet Doctor Bischoff before the 31st of January, 1919? A. Yes.

Q. You met him when you were here in New York in November and December? A. In November and December, yes.

Q. You met Mr. Olney? A. Yes, sir.

Q. Met Mr. Taylor? A. Yes, sir.

Q. Did you ever meet Mr. DeWoody? A. Yes.

Q. How many times? A. Once a week.

Q. At his office in 21 Park Row? A. 15, the Park Row Building.

Q. Now, Mr. Olney, how many times did you meet him? A. Every day practically.

Q. Talked to him every day about the case? A. No.

Q. Have you talked to him so many times about the case that you cannot remember the number of times too? A. Yes.

Q. So you talked to Doctor Bischoff so many times you cannot remember the number of times, and you have talked to Mr. Olney so many times, you cannot remember the number of times, is that right? A. Yes.

Q. And the best you are able to do after all the talking you did with them was what you testified to on direct examination yesterday in answer to Mr. Osborne's questions? A. I answered the questions as they were asked me.

Q. Do you know a man named Jentzer? A. Yes, sir.

Q. Is Mr. Jentzer in court? A. Yes, sir. (A man stands up.)

Q. Is that Jentzer? A. Yes, sir.

Q. That man alongside of him, please stand up.

(Person indicated stands up.)

Q. Do you know that man. A. Yes, sir.

Q. Did he say, "Hello, Martin" to you this morning? A. Yes, sir.

Q. Do you know Herbert Rosenbush? A. No, sir; not by name.

Q. Have you been talking to that sailor here that is right here and has been a witness in this case? A. Yes.

Q. You talked to him before he went on the stand? A. Yes.

Q. You have been talking to quite a few witnesses in this case? A. Two that I know of.

Q. You have been acting as a secret service man for the government? A. No.

Q. Haven't you been telling these witnesses things to say? A. No.

Q. Haven't you been holding conversations with these witnesses right here in the court room about their testimony, and about your testimony? A. No.

Q. Have you done any investigating work for this case or this government since you have been in New York? A. No.

Q. Sure about that? A. Yes.

Q. How long did you talk to that man over there (Abeles proprietor of the Mecca Restaurant) sitting alongside of Mr. Jentzer this morning? A. Long enough to pass the time of day.

Q. Do you mean to tell this jury that the only thing you did in that conversation with him was to pass the time of the day? A. Absolutely.

Q. Do you realize that there were people around you and behind you and looking at you? A. Yes.

Q. To pass the time of day you just talk a little bit, don't you; good morning, sir and good morning, Mr. Martin? That is passing the time of day, isn't it? A. Yes.

Q. You were talking with him, weren't you? A. No.

Q. Mr. Breen, will you please stand up?

(The person indicated stands up.)

(Mr. Breen, a spectator, later took the stand and contradicted Martin flatly, asserting he talked with Abeles several minutes.)

Q. See that man? A. Yes.

Q. Ever see him before? A. Not that I know of.

Mr. O'Leary—Thank you very much, Mr. Breen.

Q. You and the proprietor of this restaurant and these waiters have got this thing all fixed up between yourselves, haven't you, Mr. Martin. A No.

Q. Sure about that? A. Yes.

Q. What time did you go to this restaurant the first time that you say you saw me in there? A. Sometime after five o'clock; about five or after.

Q. How long were you in there altogether? A. A half an hour or more.

Q. A half an hour or more may mean two hours or may mean three hours, or may mean thirty-five minutes. How long? Be more definite, please. A. I said a half an hour or more.

Q. What do you mean by "or more"? How much time is included in that? A. Just as you designate it, one, two or three hours.

Q. Can you not give us with more definiteness the time you were in there the first time you say you saw me in that restaurant? A. No.

Q. You cannot tell us now whether it was a half hour or whether it was four hours? A. I cannot.

Q. How about the second time? A. The same.

Q. How about the third time? A. The same.

Q. Now, what time did Jeremiah O'Leary walk in there? A. After I was in the restaurant.

Q. How long after you got in there? A. I did not count the minutes.

Q. Did you count the hours? A. No.

Q. Mr. Martin? A. Yes, sir.

Q. Do you realize that you have not given any details about these so-called visits, or these visits that you say were made except that you have fixed the tables, you have described a dark, stout short man as you have called him that you say was with me on the third occasion, and you have fixed the place where you say I was on the third occasion. Do you realize that? A. Yes.

Q. Can't you give us any more details than those? A. No, sir.

Q. Do you know that my home at that time was within twenty blocks of that restaurant? A. No, sir.

Q. You did not know that? A. No.

Q. Did you realize that my dinner hour was 7 o'clock in the evening? A. No.

Q. Did you realize that? A. No.

Q. Do you say that I went into that restaurant and ate at the table, Mr. Martin? A. I said you were at the table.

Q. Do you swear that I ate there? A. No.

Q. It is rather extraordinary for a man to go into a restaurant and sit down at a table and not eat, isn't it? A. No.

Q. So you say I had some drinks in there? A. I did not say so.

Q. Can you tell the jury any details about what you say I did in there? A. Not any other than that you sat at the table that Schroejers was at.

Q. You know that is false, Mr. Martin, don't you? A. I don't know; no.

Q. You know, Mr. Martin, that is false, don't you? A. No.

Q. You know you have been instigated to say that, don't you, Mr. Martin, by some agent of the Department of Justice? Don't you know that? A. No.

Q. Don't you know I know that? A. No.

Q. Don't you know, Mr. Martin, I know whether I was in that restaurant in my life or not? Don't you know that? Don't you know you are being questioned by a man who knows whether what you are saying is true or false? Don't you know that? A. Yes.

Q. Mr. Martin, don't you know your testimony is false? A. No.

Q. Don't you know that you and Jentzer and Doctor Bischoff, and Olney and these agents of the Department of Justice have framed your story up and given you a government job for the purpose of coming here and swearing away the life and liberty, the liberty first and the life afterwards, of Jeremiah O'Leary? Don't you know that? A. No.

Q. Have you a wife? A. Yes, sir.

Q. Have you any children? A. Yes.

Q. Have you a conscience? A. Yes.

Q. *Look at me.* Have you a conscience, Mr. Martin? A. Yes.

Q. Has your conscience been testifying in this case? A. Yes.

Q. Or has your job been the consideration? A. My conscience.

Q. Was your conscience testifying when you said there was snow on the ground all the time from January 1st, 1917 to January 16, 1917? Was that your conscience? A. As I understood it at the time.

Q. Was your conscience testifying when later you said you did not know whether there was any snow on the ground at all? Was your conscience testifying then? A. Yes.

Q. Mr. Martin, when you swore that I had a white bathrobe on at Bellevue, was your conscience testifying then? A. Yes, sir.

Q. When you swore later, when you saw a brown bathrobe, when you insisted it was still a white robe, was your conscience testifying then? A. Yes, sir.

Q. When you failed to give the names of the ships you say you worked on in the West, when you said you did not remember them, was your conscience testifying then? A. Yes.

Q. Later on you remembered them quite readily, didn't you? A. As you brought up them, each one of them.

Q. You knew them at the time you said you did not remember them, didn't you? A. As you brought up to them, I remembered them.

Q. I didn't tell you what their names were? A. No.

Q. *You knew what they were when you said you did not remember, didn't you?* A. *Yes.*

Q. You have now testified that when you said you did not remember you knew what their names were, haven't you? Haven't you? A. No.

Q. Didn't you just testify in answer to my question that when you said you did not remember, you knew their names? Didn't you so testify? A. Not at that moment I did not.

Q. Does your memory come one moment and go another moment on things that take up eight months of your life? Does it? A. Not necessarily.

Q. Mr. Martin, please look this way. Please don't look any more at Mr. Marshall or Mr. Osborne or their way. I am entitled to your eyes and so is the jury. A. Yes, sir.

Q. Can't you give us some more details about this short man you saw whose face you did not see? A. No, sir.

Q. How did you know he was dark if you did not see his face? How did you know that? A. His hair was black.

Q. Oh, his hair was dark. Do you mean to say that because a man's hair is dark, you say the man is dark? A. That is what I inferred.

Q. Don't you know when you said a short dark man you referred to his complexion? Don't you know that? A. No.

Q. Don't you know that if you meant his hair you would have said dark-haired man? Don't you know that? A. No.

Q. Was your conscience testifying, Mr. Martin, when you said you did not see his face? A. Yes.

Q. Do you mean to tell this jury that any human being would walk into that restaurant in plain view of you where you said you were sitting at a table, and he would not turn his face towards the restaurant proper? Do you mean to say a man would practically walk in backwards into a restaurant? Do you mean to say that? A. No.

Q. Now, you have the screen here. You have put the man over here. Didn't the man have to have his face towards you to get to that point? A. Yes.

Q. Then you saw his face, didn't you? A. No.

Q. Oh. He turned his back on you before you saw it? A. Yes.

Q. Is that right? A. Yes.

Q. Now, who was with that short dark man? A. You were.

Q. I was. What did I do there? A. Spoke to somebody in the restaurant.

Q. Who was the somebody? A. I don't know.

Q. Now, you have me speaking to somebody in the restaurant. You did not say that before, did you? A. Yes.

Q. You did? You put me first at a table, didn't you, on the third occasion, didn't you? A. No.

Q. Don't you know that on that diagram you crossed out the R-3 which you said indicated that I was at that table on the third occasion? Don't you know that? A. Yes.

Q. Now then you put me at the table on the third occasion, didn't you? A. At your request.

Q. At my request? A. Yes.

Q. Now, Mr. Martin, don't you know that the only request I made was that you state on that diagram first the table I sat at? A. Yes.

Q. With the letter O-1; the table I sat at when I was in there the second time with the letter L-2? A. Yes.

Q. Do you remember that? A. Yes.

Q. And the table you say I sat at when you say I was in there the third time with the letter R-3. Wasn't that the way the thing was done this morning? A. Yes.

Q. And you put me on that third occasion at that table, didn't you? A. Temporarily.

Q. Do you mean to say you put me there when you now testify that I did not go there? A. Yes.

Q. You do? A. I corrected myself.

Q. You corrected yourself. Your memory was bad; you made a bad slip, didn't you? A. It was not a slip at all.

Q. It was a slip, wasn't it? A. No.

Q. You knew I was going to ask you questions about the short heavy set man, didn't you? A. No.

Q. You did not? A. No.

Q. You were not planning ahead? A. No.

Q. You were not protecting yourself, were you? A. Not at all.

Q. Let us go back again to the entrance into the restaurant. Mr. Martin, you have indicated yourself at the table here, M-1, 2, 3, right here? A. Yes.

Q. Right here (exhibiting diagram to jury). If you can't see this, say so. A. I can see it.

Q. Here is your indication of the entrance? A. Yes.

Q. Now, to see a man, a man standing there where you made that circle, you would have to be faced towards the door, wouldn't you? A. Yes, sir.

Q. Now, then, do you still mean to say, after referring to this man as dark, that you say stood near the door, with your face towards the door you did not see his face? A. I did not see his face.

Q. Now, let us have a description of the other man you say I spoke to. What did he look like? A. I don't know; I did not see him.

Q. Didn't you say I spoke to another man? A. I said you spoke to some person in the restaurant.

Q. Some person in the restaurant at that door? A. Yes.

Q. Who was it? A. I do not know.

Q. Was it a man or woman? A. I do not know.

Q. Could you see whether it was a man or woman? A. I don't know.

Q. Well, if you could not see whether it was a man or woman, how can you say I spoke to a person? A. I could see a person there.

Q. Do you know of any other sex? Is there a male, female and person? Is that your idea of sexes? A. A person may be either male or female.

Q. This person that you say I spoke to, do you still insist that you cannot tell whether that person was a man or woman? A. Yes.

Q. Was the person in plain view? A. No.

Q. Where was the person? A. The person was obstructed by yourself and the man that was with you.

Q. Was the person there before myself and the man that was with me came in? A. I do not know.

Q. Well, if I spoke to a person at the door, that person must have been there, before, Mr. Martin, Was he? A. I do not know.

Q. You were faced that way, according to your testimony? A. Yes.

Q. You do not want to tell this jury that I went into that restaurant and came right out again after talking to some person whom you now cannot describe? A. Yes.

Q. Well, now, you must know some more details. Don't you know some more details for us? You don't know any more details? A. Not in regard to that incident.

Q. Did the person stay in or did the person go out with that alleged myself? A. I don't know.

Q. Can't you tell us whether or not that person was in there when you went in and remained when I went out? A. I don't know.

Q. Can you tell us whether or not the three persons, the alleged persons, went out together? A. No.

Q. Was Mr. Roediger in there at that time? A. I do not know.

Q. Did you intend to testify on your direct examination yesterday that he was? A. I did not.

Q. Did you always sit with your face towards the door at the table marked M-1, 2 and 3? A. Not always.

Q. On these three occasions you have mentioned, did you sit with your face towards the door? A. I do not remember.

Q. Can you fix the time when you say I went into that restaurant on either of these three occasions? Can you do it? A. In the evening; that is all.

Q. Can you fix the hour? Was it five, five thirty, six, six thirty, seven, seven thirty, eight, eight thirty, nine, nine thirty, ten, ten thirty, eleven o'clock, or any time? Can you fix the time? A. No, sir.

Q. Did you get a description of that restaurant from the former proprietor of it, Mr. Martin? A. No, sir.

Q. Did you talk to him about that this morning? A. No, sir.

Q. Did you talk to him about that last night? A. No, sir.

Q. Did you see him last night? A. No, sir.

Q. Did you see him before you went on the stand yesterday? A. No, sir.

Q. Did anybody give you a description of that place? A. No, sir.

Q. Can you recollect what you ordered there? A. No, sir.

Q. You cannot recollect that? A. No.

Q. Can you give us the day of the week? A. No, sir.

Q. Can you tell us whether it was Sunday? A. No, sir.

Q. Or Saturday? A. No, sir.

Q. Or Monday? A. No, sir.

Q. When you drew that diagram and indicated the place where you say I was standing on the third occasion, you indicated a place that was well within the screen, didn't you? A. Yes, sir.

Q. A place that would be four-fifths of the distance from the table where you say you sat to that screen, is that right? A. Within ten feet of me.

Q. Within ten feet? A. Yes.

Q. Now, how far am I from you now, about? A. About—oh, eight or nine; close on to ten feet.

Q. I was dressed with a cutaway coat and striped pants? A. Yes.

Q. What? A. Yes, sir, as far as I know.

Q. If I came in off the street and stood at the place you have indicated and went out again, do you mean to say I would take my overcoat off? A. I do not know that I ever saw your overcoat.

Q. Do you mean to tell this jury that I went in there in a cutaway coat and striped pants and stood there for a few minutes, and then went out again? A. That is what I said.

Q. Is that your testimony? A. Yes.

Q. You stated that the other man had an overcoat on, didn't you, A. Yes.

Q. Well, the man I was supposed to come in with, he wore an overcoat, but I didn't have any overcoat, although I came in with him, is that it? A. I do not know whether you had an overcoat or not.

Q. Didn't you say a moment ago that I always wore a cutaway coat and striped pants? A. Yes.

Q. How could you tell what I had underneath if I had an overcoat on? A. I said I did not know anything about your overcoat.

Q. How can you say what underclothes I had on when you cannot say whether I had an overcoat on or not? A. I saw your clothes; I did not see the overcoat, as far as I know.

Q. Do you think you could see through an overcoat? A. No.

Q. How about a hat, the last time? Did I have a hat on? A. I said I did not see your hat.

Q. What is your testimony? I did or did not? A. I said I did not see your hat.

Q. What is your testimony? That I did or did not have a hat on? A. I said I did not see your hat.

Q. That might mean you did not take any notice of my hat. Which is it? You did not take notice of it or I did not have any on? Which is it? A. That I did not see your hat.

Q. Which is it? That you did not take notice as to whether I had a hat or that you did not see it, or there was no hat on? Which is it? Can't you tell us yourself? A. I said I did not see your hat.

Q. Won't you answer that question in any other way? A. I cannot answer that question in any other way; I did not see your hat.

Q. Then is your testimony I had no hat? A. No.

Q. You were not blind? A. No.

X

THE DEFENSE OPENS.

On February 13th, Arthur T. O'Leary, my brother, made the opening statement on my behalf. He spoke for two hours, and in a quiet, impressive manner sketched my life from infancy. He traced all my activities, outlined my struggle for pure and unadulterated Americanism, how I fought the so-called Arbitration Treaties, worked for an American Merchant Marine and opposed the Wilson Panama Canal Tolls Repeal Act. He described my opposition to the "One Hundred Years of Peace" celebration, my advocacy of the rights of American citizens over aliens in public works, told of my advancement in my profession, how I had built up a clientele among lawyers as a trial counsel, how demands by Irish societies upon my time for speeches and work had gradually drawn me from my profession, undermined my health, and how in 1916, as a result of strenuous exertions to defeat Woodrow Wilson for the presidency I had collapsed and become a nervous and physical wreck. He next outlined the work of the American Truth Society, its organization, the results it had achieved, and finally how as an instrument to combat British propaganda I had established "Bull" and built it up to such an extent that its press run for the October issue—the last number—was 48,000 copies, and how the Administration had smashed an enterprise built up by hard work and sacrifice by its tyranny and intolerance. He told of how for political revenge, I had been singled out for oppressive treatment by the Administration and that this persecution was actuated by a spirit of retaliation for my persistent opposition to the President's pre-war policies. He then discussed the case as presented by the Government, denounced Victorica and brought the courtroom to rigid attention by suddenly turning and pointing to Mme. Gonzales, one of the Government's star witnesses. Shaking his finger at her, he

Lieut. Arthur T. O'Leary, Defended His Brother Jeremiah Upon His Resignation from the Aviation Service.

thundered, "When you bring in a verdict of acquittal in this case, we shall ask the court to hold that woman for perjury, for we are going to show by the most conclusive and reliable evidence that she has committed the most shameful perjury, not only against this defendant, but against the Irish Race." Mrs. Gonzales, who was seated nearby turned ashen, and as soon as Arthur turned again to the jury, the woman fled from the courtroom. She was not seen there again until she entered it under subpoena as a witness. Arthur's opening address was followed with the closest attention by Judge and jury and everyone in the courtroom. It had a profound effect on the jury.

He was followed by William H. Daly, counsel for Adolph Stern, a clerk, indicted with me, on the theory that he had conspired with me. Mr. Daly ridiculed this theory in his final assertion, "The only conspiracy my client committed was one to earn twenty-five dollars a week." Mr. Felder, my chief counsel, next followed and spoke for two hours eloquently and convincingly, asserting that "the defendant, O'Leary, is the victim of persecution, the motive of which we shall prove." Mr. Felder exonerated Messrs. Marshall and Osborne of complicity in this conspiracy and attributed it to the corruption of secret agents of the Government, to whom had been unwisely entrusted the unrestricted use of money in lavish amounts. The opening addresses occupied the entire day, on Thursday. The way having been cleared for evidence, the first witness was called the following day, Friday, February 14th.

Mrs. Frances Brannigan, mother of one of the first members of the Sixty-Ninth Regiment to be killed in France, was the first witness to take the stand. Attired in deep mourning for her son, but youthful in appearance, blond and pretty, she was a notably effective witness. She absolutely contradicted Mme. Gonzales the star witness for the Government, and stated that the meeting held at 715 Lexington Avenue, in July, 1917, was called by my brother, John J. O'Leary for the purpose of securing volunteer workers to classify the names of the donors and contributors to the Irish Relief Bazaar, of whom there were over sixty thousand and whose names and addresses after six months clerical work had been transferred from the chance books to sixty thousand cards. She swore that I had not said one word against the draft that night, and that my remarks were in the way of thanking the Bazaar Workers for the splendid service they had voluntarily performed. Although the newspapers had featured Mme. Gonzales' testimony with its damaging implications, they failed to feature the important evidence of Mrs. Brannigan, thus giving importance to the yarn of a confessed perjurer, a woman of bad character, but giving scant notice to the mother of a boy who had died for his country—a woman of standing and repute. The direct examination of Mrs. Brannigan by John O'Leary follows:

Mrs. Frances Brannigan testified as follows:

Q. What is your address, Mrs. Brannigan? A. 325 East 43rd Street.

Q. You are a married woman? A. Yes.

Q. You have children? A. Yes.

Q. *Did you have a son in the army?* A. *Yes, in the 69th; he was killed on the other side.*

Q. *What happened to him?* A. *He was killed in action.*

Q. Mrs. Brannigan, you were one of the booth managers at the Irish Relief Fund Bazaar? A. Yes.

Q. Which was held in October, 1916? A. Yes.

Q. And subsequent to that bazaar you received a notice from me to attend at 715 Lexington Avenue? A. Yes, sir.

Q. Did you come there that night? A. Yes, sir.

Q. Will you tell the jury just what took place on that occasion? A. Well, the only thing I heard Mr. O'Leary say—he wrote a notice for us to go to the meeting—was that he wished to thank us, the managers of the booths, for the hard work done at the affair, and it was to get all the workers together.

Q. You mean Mr. Jeremiah A. O'Leary said that? A. Yes, Mr. Jeremiah said that.

Q. Do you remember if Mr. Jeremiah said anything about President Wilson being a king or monarch? A. No, sir; he never mentioned his name.

Q. Do you remember whether Mr. O'Leary said that all our liberty had been taken away from us? A. No, sir; he did not.

Q. Do you remember Mr. O'Leary saying he was a lawyer and knew what he was doing, and that everything was within the law or anything of that sort? A. No, sir.

Q. Do you remember Mr. O'Leary saying anything about our being subservient to the English King? A. No, sir.

Q. Do you remember Mr. O'Leary saying we could not win the war? A. No, sir; Mr. O'Leary did not say anything like that.

Q. Do you remember Mr. O'Leary saying we were gathered there to fight conscription? A. No, sir; he did not say that.

Q. Was there anything said about conscription at all? A. No, sir; nothing at all.

Q. Now, Mrs. Brannigan, did you see any guards around or any attempt at secrecy? A. No, sir; there was not anybody there.

Q. About how many people were there, according to your judgment? A. Well, I should think about, well, about 30 women, if there was that, and all of them seemed to be the ones that worked at the bazaar.

Q. Do you know whether the front door was open or not? A. Yes, sir; it was open.

Q. Do you know what the condition of the atmosphere was that night, or the temperature? A. Yes, it was very warm.

Q. Do you remember that every window and door that could be opened was opened? A. Yes, sir; it was a very warm night and we had all the windows opened.

Q. Do you remember when the speakers spoke, whether they spoke in whispers or in their natural voice? A. They spoke right out, so everybody could hear them.

Q. Was anything said that evening about secrecy? A. No, sir.

Q. Was anybody that you observed denied any admission that evening? A. No, sir.

Q. Now, Mrs. Brannigan, were you in any conspiracy to obstruct enlistments or recruiting or to interfere with the draft? A. No, sir.

Q. Do you know that the government of the United States had put on a witness to that effect? A. No, sir.

Q. Well, they did. Now Mrs. Brannigan, how soon after your boy went to Europe was he killed, do you know? A. That is just a year ago now.

Q. Was he one of the first men in his regiment to be killed? A. Yes.

Q. In the 69th New York? A. Yes.

Q. Afterwards the 165th United States? A. Yes; he was one of the first.

The second witness for the defense was a uniformed soldier named Mullens whose testimony the "New York Sun" called a "ten-strike" for the defense. Mullens, who was born and raised in England testified that he hated England, and yet volunteered in the United States Army because, after hearing me speak one night, he felt "a little cheap because he wasn't doing anything for the United States." The speech referred to was the Sulzer's Harlem River Casino speech upon which the Government relied to establish that I had attempted to create mutiny. Could any answer be more conclusive? Here was a soldier in uniform back from the war who had been inspired to volunteer by what the Government held was mutinous and disloyal. Mullens stated that he had given up a position paying thirty-five dollars a week and left a dependent mother without support, in order to volunteer. He also declared that he was above the draft age. The government was hurt badly by this testimony, and Mr. Osborne tried to shake it but in vain. Cross-examination only served to strengthen it.

Next came George O'Neill, of a machine gun squad, a clean cut lad also attired in uniform. O'Neill, likewise contradicted the Government's witnesses in regard to my Harlem speech. He stated that he read "Bull," liked it and agreed with every word it contained. He said that he wanted Ireland free and hated England for American reasons. He said that he was an admirer and follower of mine, and that if I said "Mutiny!" he would mutiny. For two hours Mr. Osborne tried to shake him but his efforts were fruitless. Quietly, and in the most gentlemanly and soldierly manner, O'Neill met and parried all thrusts. On redirect examination O'Neil swore that some of the questions were insulting, as when Mr. Osborne asked, showing him a cartoon from "Bull," "Do you mean to say that you wouldn't take your gun and run if you saw that cartoon?" O'Neill answered, with heat and indignation, "Irishmen don't run." O'Neill also swore that if he had to fight with British redcoats he would feel like killing himself, "because he hated Great Britain, yet he was perfectly willing to fight and die for Uncle Sam." He said, "All Irish-American soldiers in my regiment wanted to see Ireland free.' O'Neill was followed by William Jennings Bryan McLoughlin, another uniformed soldier, who contradicted the Gonzales woman flatly. He was cross-examined at length and made an excellent witness for the defense. McLoughlin's testimony closed the third week of the case.

XI

A GRAVE OFFICIAL SCANDAL.

Now came one of the big sensations of the trial. The defense called Dr. Perry Lichtenstein, a recognized drug expert who swore that Victorica, at the time she testified, could not tell the truth; that morphine addicts are liars; that they cannot be truthful, and that they lie "even when they are telling the truth." He swore that the Department of Justice did wrong when, having Victorica under arrest for ten months, they fed her drugs instead of curing her, and that when she testified in court, after receiving an injection of morphine, she was worse and more unreliable than a drunken man. The witness further said that Victorica could have been cured in three weeks, and in nine months, under restraint restored to normal. He also swore that "drug addicts are absolutely under the control of the dispenser of the drug," and that they "would swear away anyone's life and liberty—even their own—for morphine." He further said that Victorica bore every evidence of control. This testimony regarding the chief witness for the prosecution in sensational treason cases created a great stir in the courtroom. A woman without conscience, without the ability to be truthful, with all moral background gone, capable of being faithless to her race as well as to herself, who had been used to hold Willard Robinson, John Gill, Margaret Sullivan and myself in jail for nine months, and now used in open court to persecute me, created a profound impression. The jury was visibly horrified at the revelations contained in the physician's testimony. The court room was shocked, while Judge Hand listened with great interest. Mr. Osborne's cross-examination of Dr. Lichenstein was suggestively and significantly brief. This testimony left the Government without one witness whose credibility had not been successfully impeached.

The use of Mme. Victorica as a witness was a judicial scandal. It developed at my trial that she never testified before any Grand Jury, and yet her statements were used as the basis for indictments by grand juries against American citizens—grand juries who never knew she was a morphine addict, and were not informed. It is the Government's duty to inform a grand jury that all medical authorities consider drug addicts unreliable and untruthful, habitual liars and deceivers. Indictments obtained upon the statements of drug addicts read to grand juries are very questionable and unreliable. In some jurisdictions, morphine addicts have been held absolutely irresponsible for crime. The time may come when they may be actually barred from testifying. No court would permit an intoxicated witness to give evidence. Victorica swore she received an injection of morphine the morning she took the stand. Dr. Lichtenstein swore that when she gave evidence against me it was "the morphine that was talking." It was clearly just as reprehensible to permit a drug addict to bear witness against me as an intoxicated witness, but apparently anything went in my case to crucify me because I was an enemy of British propaganda, and an outspoken opponent not of President Woodrow Wilson's "idealistic" utterances but his deeds.

Dr. Lichtenstein is perhaps one of the most expert observers of drug addicts in the United States. His testimony was corroborated by Drs. Smith Ely Jelliffe, Abraham Jacobi, and Walter H. Conley, eminent and distinguished physicians as well as by all standard text books on the subject. These authorities all agreed that a morphine addict is a habitual liar; that by use of morphine he or she can be easily controlled and subject to suggestion. Drs. Lichtenstein and Conley testified very emphatically that the Government's conduct in administering morphine to Victorica while in custody and under control, was "unprofessional," and opposed to all well-recognized prison methods. I quote from the testimony of Dr. Lichtenstein.

By Mr. Felder—Q. What is your profession? A. I am a physician.

Q. Of what college are you a graduate, or university? A. Cornell University, Medical College, 1910.

Q. Please tell the jury what your specialty is? A. I specialize in drug addiction, and also in mental diseases.

Q. Are you associated with anyone at the present time, Doctor, in preparing or collating the laws about this subject? A. I am a member of the Committee on Drug Control of the City Magistrates and Justices of the State of New York.

Q. Were you selected as an expert upon this subject to go upon that committee? A. I was.

Q. What are the objects of that committee? A. To obtain some law for the State of New York to control drug addiction, to prevent the spread of drug addiction.

Q. Do you occupy any official position in the City of New York at the present time? A. I do.

Q. State to the jury what that position is? A. I am at present the physician to the City Prison known as the Tombs, and also physician to the House of Detention.

Q. Now, what, if any, experience have you had as a drug addict specialist? A. I have treated approximately 12,000 cases.

Q. During what period of time, Doctor? A. Within the last six years.

Q. How many cases are under your care now? A. Approximately twenty.

Q. Doctor, I will ask you whether or not, in your experience in treating these 12,000 cases, did you have any under your care who had been addicted to the use of morphine for as long a period of time as twenty years? A. I have.

Q. Tell the jury what in your opinion as an expert the effect of the taking of one grain a day of morphine for twenty years? A. One of the most pronounced effects of the drug, when a person takes the drug for five years, ten years and twenty years is * * * that the effect upon the mentality becomes more pronounced. Every author upon the subject deals with that, and the statement is made that these people become *habitual liars*. The fact is that a statement has been made that this has become so generally recognized that they are said to lie when they tell the truth. The reason for that is that there is absolute loss of self-control. In the first place, if a person had not lost that self-control, knowing the effects of the drug, he could have stopped taking that drug. But there is not an addict alive who can state that he ever got off that drug through his own will power; it is impossible for the addict to get off the drug from his own will power. Therefore, the effect upon the mentality, upon the centers of inhibition—that is the controlling center—is gone absolutely. These people will lie more particularly to get the drug, or if they know they may gain something by telling a lie, if they may gain a drug from some party by telling a lie, gain their object, attain some point they are after, they will lie. It is generally known that the moral sense is absolutely gone.

Q. Let us take the case of a witness who had been taking the quantity of morphine I have described for twenty years. That witness is brought upon the witness stand under the influence of morphine. I will ask you whether or not in your judgment as an expert, anything that that witness might say could be depended upon? A. Absolutely not.

Q. Is it the morphine or the witness that is talking? A. It is really the morphine that is testifying.

Q. By way of hypothesis, assume the following facts: That Marie de Victorica, a woman about forty years of age, began taking morphine about the age of twenty years; up to about April 25, 1918 had taken on the average of six or seven grains a day; that on April 25, she was taken to Bellevue Hospital, New York City, where it was found that parts of her body were covered with scars and abscesses and that she was suffering from morphine poisoning; that at the hospital she was treated and for eight days was administered one eighth of one grain of morphine every three hours; that despite this fact she had pains in the stomach, and that on one occasion she was found with her knee drawn up under her chin; that she repeatedly asked for more morphine, and that she complained of pains in the region of the thorax, and that she was irritable; that she was removed from the hospital in eight days, and that since that time she has been detained at the Waverly

House, Crittenden Home, and Ellis Island, and that since about May 3d, 1918, and up to February 10, 1919, she has been attended by a physician who has called daily, and that under the directions of said physician, she has been receiving according to her statement, about two grains of morphine a day. Assume that this woman on February 10, 1919, testified about incidents, conversations and transactions which are alleged to have occurred during the months of January, February, March, April, May, June, July, August and September, 1917; assume *also that before she testified she received an injection of morphine*—what in your opinion, with reasonably certainty, would be the effects of the use of the morphine *as I have described* upon the mental condition of that witness? A. In my opinion this woman was not responsible the morning she was testifying. * * * Such people will commit crimes to obtain the drug; will say anything to obtain the drug; *will admit any statement that anybody may make in order to obtain the drug.*

By Mr. Arthur O'Leary—Q. Is morphine a weak or a powerful drug? A. Morphine is a powerful drug.

Q. Are morphine addicts liable to suggestion? A. They are very susceptible to all suggestions. A person may suggest a thing to them, and, if they think they are going to get the drug by following that suggestion, they will make any statement in order to obtain the drug.

Q. Where a morphine addict is in custody, how long would it take ordinarily for treatment to get the addict off the drug? A. A person taking the drug for twenty years should take, at the longest, about three weeks, at the utmost. I have had patients who have taken drugs for thirty-five years and have had mixed habits, that is, not only morphine or heroin, but cocaine, and those people have been taken off the drug so that they have had no craving for the drug in three weeks.

Q. Is there any difference, in getting a drug addict off the drug, where the drug addict is in custody, and in a case where the drug addict is moving about freely and socially? A. The greatest difference in the world.

Q. Explain that, please. A. It is impossible to get a person off the drug while they are at large, while they are walking around. * * * Every addict should be absolutely under control and their clothing should be searched, their letters must be watched every day, even the money that is sent to them must be tested so that it is not soaked in morphine. Every precaution must be taken because they will do anything to obtain the drug.

Q. And doctor, where the drug addict is in custody or is in control of the authorities, will you explain the treatment, the nature and the circumstances that would get such a person off the drug in three weeks? A. The usual treatment given is known as the withdrawal treatment. * * * which should not take any longer than three weeks for a person taking the drug for such a long period of time.

Q. What period? A. Twenty years. The usual length of time required to take a person off the drug in a City Prison is from ten days to two weeks, but in cases where we have people who have been taking drugs for thirty-five years, such people require longer treatment, and require more drug to begin with, of course.

Q. How long? A. About three weeks at the utmost.

Q. At the City Prison, is it customary always to take addicts off the drug? A. It is.

Q. At the City Prison it is not customary, is it to cater to the addicts by giving them the drug for months and months, say from April to the following February? *A. We never do such a thing, never.**

Q. Is such treatment, as keeping a patient who is in close custody, on the drug from say April to February, regarded at the City Prison, good and proper treatment? *A. Absolutely not good and proper, and I think it is unprofessional on the part of any physician to keep a person under the influence of a drug for so long a time.*

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*(Madame Victorica had been taking according to her statement eight grains a day for twenty years. While in custody the government was, according to her statement, administering two grains a day—conduct described by Dr. Lichtenstein as unprofessional.)

Q. May I ask how many grains of morphine it would take to kill a person who has never used a drug? *A. A half grain has been known to be sufficient to kill a person who has never used a drug.*

John D. Moore, former Conservation Commissioner of New York and the first National Secretary of the Friends of Irish Freedom, was almost a day on the stand. He made a strong witness for the defense, defending the right of men of Irish blood to agitate for Ireland's freedom. He related his study of the Espionage Law, and the report he made to me after consultations held with Senators and Congressmen in Washington that it was not intended to interfere with the freedom of the press. With John Singleton, an uncle of mine from Glens Falls, and Michael and Harry Breen, cousins from the Adirondacks, I established a perfect alibi, to the effect that when Victorica, the dope fiend, swore that I met her and John T. Ryan at Long Beach in September, 1917, I was, as a matter of fact, in the Adirondack Mountains. When I declared to the court that the prosecution could verify this by scores of witnesses who saw me there, Mr. Osborne said: "The Government does not question the alibi." "In other words," I said, "you admit Victorica committed perjury?" "No, we don't," replied Mr. Osborne. Of course an irresponsible drug fiend could not commit perjury.

Victorica had sworn that she met me and Ryan at Long Beach in September, 1917, and that her memory of that was better than her recollection of her alleged meeting with me and Robinson on July 7th. Thus the September meeting was shattered, and by her own testimony, also the July meeting, since her memory of the September meeting, now a conceded myth, was better than of the July affair.

Several witnesses testified that I had induced men to enlist. David Sullivan, ex-feather-weight champion of the world, testified that I had urged him to join the Sixty-Ninth, and that he took with him five others, three of whom had since been killed in France. Charles D. Patterson told how I had induced him to place his son in the Sixty-Ninth Regiment in March, 1917, and that the boy was in France.

John Singleton, my uncle, swore his only two sons were in the Army in France, and that I had made a soldier out of his son, Jerry, when the latter was a boy of six years, and that I had drilled him so that when he became seventeen, and before the United States entered the war, he ran away from home and joined the army. Daniel J. Sheehan, a member of the New York Police force, who formerly belonged to the Company of the Sixty-Ninth Regiment in which I was an officer, testified as to the part which I took in building up that organization. He declared that my work in organizing the Regimental Athletic Association, persuading athletes to join, and in training soldiers like Lieut. Coleman Burns and Lieut. Richard Allen, (both of whom were in France) that this work in conjunction with Major Michael A. Kelly, recipient of the Distinguished Service Cross, for bravery, was responsible for rooting out much of the "dead wood" in the Regiment, filling it up with energetic young men and placing it in shape for service. When asked by Mr. Osborne how he happened to be a witness, Sheehan replied, "When I heard the defendant was charged with obstructing recruiting I knew the charge was false. I couldn't understand how a man who had done so much for the country could be in such a position. It's an outrage." At this point the splendid fellow's voice broke and tears came to his eyes. Mr. Osborne pressed him no further. Another incident in Sheehan's testimony amused Court and jury, when asked by me, "How did you happen to join the 69th Regiment?" He answered, "My father brought me up to fear God, love my country and hate England."

XII

MONSIGNOR POWER DEFENDS THE IRISH.

Rev. Monsignor James W. Power, Pastor of All Saints Church, New York, for forty-eight years, next took the stand. He swore that he was a member of the American Truth Society and reader of "Bull." He testified in great detail about what his parish had done, the soldiers it had sent to the front, the boys who had been killed or wounded; how his parishioners—all devoted to the freedom of Ireland—had done their share in the war, in buying Liberty Bonds and War Savings Stamps, and in Red Cross work. He told about his parochial school, run by the Irish Christian Brothers, where more than 2,500 children are taught to be Americans first, but are also taught the Irish language, history, dancing, music and spirit, and how all these had helped to make them better Americans. Father Power vouched emphatically for my patriotism and character. He answered with great emphasis, saying "Never, never," when asked if the Irish in New York ever conspired against the draft, remarking, "They did their duty one hundred per cent." He declared unequivocally that he favored Irish freedom and blamed the press for much of the hostility of Irish Americans towards England. The testimony of Monsignor Power was very effective, and as he left the stand, he was followed by the gaze of the jury, which watched him with interest until he passed out of the courtroom. Monsignor Power's testimony I quote in full as a matter of public interest, in order that the American people may know that by actual test a Catholic congregation, educated to revere human freedom, became a powerful organization for intense war work. This testimony is a complete answer to the campaign carried on before and during the war by those who actually believed that hyphenated Americanism, so-called, was a menace to the United States.

Monsignor Power's testimony proves that sympathy for Ireland and hatred of England in no way interfered with an Irish American's love for the United States. Father Power is one of the most noted and active devotees of Irish freedom in the United States. His testimony created a sensation at the trial. It proved what powerful engines of patriotism Catholic parishes were during the war. Very few Americans realize just how much our Catholic parishes did during the conflict. The Monsignor was one of my warmest friends. His testimony follows:

By Mr. Jeremiah A. O'Leary—Q. I have called you "Father" Power. Your real title is "Monsignor," is it not? A. Yes, sir.

Q. I beg your pardon. A. It is not necessary.

Q. I have always called you Father? A. Father is more familiar.

Q. What church are you the pastor of? A. All Saints.

Q. How long have you been the pastor of All Saints Church in this city, about? *A. About* 48 *years.*

Q. Where is it located? A. 129th Street and Madison Avenue.

Q. Have you a school there for the education of children? A. Yes, sir.

Q. A parochial school? A. Yes, and a high school, too.

Q. And how many children, Father, are educated by your parish in that school? A. *About* 2,200.

Q. Are you a member of the National Executive Committee of the Friends of Irish Freedom? A. I am.

Q. And have you been such a member ever since the organization came into existence? A. Yes.

Q. Is there, throughout the city among people of Irish blood and amongst others, a general feeling that Ireland should be free? A. Positively.

Q. And so far as you know in your 48 *years of experience up there as a pastor and moving around amongst the people of the city, has there been a feeling amongst the people all during that time that Ireland should be a free country? A. Yes.*

Q. A great many people of your parish are of Irish extraction? A. A great many.

Q. And there are a great many others who are not? A. Yes, sir.

Q. Do you remember, an organization that used to meet in one of your halls up there called "The Harlem Gaelic Society"? A. Yes.

Q. Was it in connection with that, that you first met me? A. Yes.

Q. About how many years ago was that? A. Nearly 20 years ago.

Q. They used to teach the Irish language up there? A. You were a boy then.

Q. Yes; I was starting in at law school. A. Starting in at college.

Q. They used to teach the Irish language up there in that society? A. Tried to.

Q. You speak Irish? A. I do.

Q. On St. Patrick's night, every St. Patrick's night, they always had a public affair in your church hall that was attended by— A. We have a play.

Q. And you also ran your Irish plays in Irish? A. In Irish.

Q. And your students up there took part in those? A. Yes.

Q. And so far as your parish was concerned it was always devoted, was it not, to Irish ideals, plays, history, language, songs, music, dancing and all those kinds of things? A. Yes, sir.

Q. Your parish I suppose had its service flag? A. Yes.

Q. And children of the fathers and mothers who used to go to these Irish affairs, that used to attend the Harlem Gaelic Society affairs, did they volunteer and respond to the draft in the late war? *A. Volunteered.*

Q. And did you have more volunteers than drafted men, or what is your opinion? *A. I think they were nearly all volunteers, the whole five hundred.*

Q. Did you find the Irish spirit in the parish was destructive *in any way of love of country on the part of the Irish in America? A. No, sir.*

Q. What did you find was the result of it? A. They subscribed most generously to all the war loans and to the Knights of Columbus subscriptions, to the war savings stamps; I think for the Knights of Columbus war service collection we gave $27,000; for the four Liberty loans we subscribed $93,000; the children of our school have war savings stamps of over ten thousand dollars.

Q. While all these things were going on, while you were working up the Liberty loans, and while you were selling war savings stamps and while you were working up the Knights of Columbus fund, and while the boys were going to war, did the feeling that Ireland should be free persist amongst your people? *A. Most decidedly.*

Q. Is it not a fact that at these meetings, where the question of Irish freedom was discussed, there was also, and necessarily, a discussion of the tyranny of England and the denunciation of England for such tyranny? A. Yes, sir.

Q. *Have you ever found in that parish from your observation that the discussion of such questions, the denunciation of England, in any way dissipated the loyalty or the patriotism of your people towards the United States? A. Not at all.*

Q. Have they been able in this war to draw a line of distinction between their love for America and their hatred of England? A. Yes, sir.

Q. How many stars did you have in your service flag up there? A. That I forget now.

Q. About. A. What do you mean by stars? Deaths, wounded?

Q. Well, for every boy in the parish who went to the war? A. Oh, we have over five hundred.

Q. Did you have any boys in your parish killed? A. Yes, sir.

Q. Wounded? A. There were seven killed.

Q. Some wounded? A. A great many wounded.

Q. And were these boys interested in the question of Irish freedom? A. Very much.

Q. This school you have there, who were the teachers? A. They are Irish Christian Brothers.

Q. Those brothers are a different order from the brothers who, for instance, teach at Manhattan College? A. Yes, sir.

Q. They are an order founded in Ireland? A. Yes; their mother house is in Ireland.

Q. Is it not a fact that they are strongly Irish, that they inculcate the spirit of Irish freedom along with everything else they teach them? A. It is always subservient to American nationality, of course.

Q. America first, but they never forget the land of their ancestors? A. Never.

Q. What has been the effect of such teaching on the children of your parish? Has it made them better or worse young men and young women? A. Better young men and young women; respect for their race always makes them better.

Q. Edmund Burke says: "He who will not look back on his ancestors will never look forward to posterity." A. Yes.

Q. In other words, if you do not respect your father you cannot respect your children? A. No.

Q. Do you remember a meeting of the Executive Committee of the Friends of Irish Freedom that was held at the Murray Hill Hotel on the 25th of August, 1917, at which a resolution was introduced by Judge Edward J. Gavegan* with reference to the street meetings that were held at 37th and Broadway? A. I do.

Q. Do you recollect that there was a resolution offered by Judge Gavegan, seconded by myself, to the effect that those meetings should be held, but held within the law? A. Yes.

Q. There was a great deal of newspaper discussion about those meetings at that time? A. Yes, sir.

Q. And when the Executive Committee met did they take up the subject very seriously? A. Very seriously.

Q. And did they get reports on the meetings from people who attended them as to the speeches that were made and the character of the speeches? A. Yes.

Q. And did the Friends of Irish Freedom executive committee examine those speeches and examine that data and information with a view of ascertaining whether or not anything was done or said at those meetings which in any way violated American law or digressed from the duties that are prescribed by devotion to the United States? A. Yes, they examined them.

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*Justice of the Supreme Court of the State of New York.

Q. And what did they find as a result of their examination? A. They found nothing against American loyalty or sense of duty or citizenship.

Q. Did they find that the stories that were published about them by the newspapers were in the main false? A. In the main false, yes.

Q. The Friends of Irish Freedom held a convention in Philadelphia only last week? A. Yes.

Q. And are they open meetings open to the public? A. Absolutely open.

Q. There is no secrecy about them? A. No secrecy.

Q. Any agent of the government, any newspaper reporter, any individual that wants to make observations as to how they are conducted, what is done at them, is invited there to see? A. Yes.

Q. Has there ever been any secrecy, so far as you have observed, about any of these meetings? A. Never.

Q. Hasn't it been on the contrary the policy of the Friends of Irish Freedom to make their meetings as public as possible? A. Yes, sir.

Q. And the difficulty has been they could not make them public enough on account of the newspaper opposition to the society? A. Yes.

Q. There has been a great deal of bitterness on the part of people of Irish extraction in this city against the newspapers on account of their attitude toward the Friends of Irish Freedom and these meetings? A. Yes, sir.

Q. And naturally, from this bitterness there has sprung too much acrimony on the part of our people towards the newspapers and on the part of the newspapers against our people? A. Yes.

Q. Has that attitude of the newspapers increased or diminished the bitterness of the Irish people of this City towards England? A. It has increased it; they believe it is English propaganda.

Q. In other words, if the newspapers would leave our people alone, the bitterness they feel against England would die out or abate to a great extent? A. It would abate to a great extent.

Q. The Irish character when it is attacked responds to the attack? A. I think so.

Q. Would the Executive Committee of the Friends of Irish Freedom permit or tolerate during the war any speeches or any meetings that could be calculated to create mutiny or resistance to duty or anything of that kind? A. They would not.

Q. Were they most careful all during the war to guide and direct our people to draw a line between their hatred for England and their love for the United States, and their duty to military service? A. After war was declared, as well as I remember, at all the meetings the sentiment was America first and put everything else aside until the issue was decided. That was the conclusion which I think was made at the meeting you referred to—the meeting at the Murray Hill Hotel*. Stop Irish and stop Ireland and everything else and fight for America until the issue was decided; we all agreed to that positively.

Q. Up to that time there had been a lot of confusion as to what the policies of different societies would be? A. Yes.

Q. And that meeting was called for the purpose of deciding it? A. Yes; putting a stop to everything except America and her interests until the war was finished. I made a speech myself on that occasion to that effect.

Q. Yes, and I remember the speech very well. Was this convention that was held the other day, which demanded the freedom of Ireland, held as a result of a policy adopted at that meeting at the Murray Hill Hotel on the 25th of August, 1917, to lay aside everything, do our duty, show what we can do, and then after we had demonstrated to our country our devotion to it, to demand that our country do justice to Ireland? A. Yes.

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*It was at this meeting that the Government charged that a treasonable plot had been formed.

Q. That was the policy? A. That was the policy.

Q. And now that the Irish in America have done it, the Irish in America demand that justice be done in Ireland? A. Yes, sir, that is the policy.

Q. You have a very intimate knowledge, have you not, of the workings of Irish societies? A. Yes.

Q. You know the Irish leaders and know what they are thinking about? A. Yes.

Q. And know what they are doing? A. Yes.

Q. Know what their policies are? A. Yes.

Q. Did you ever know or ever hear of any movement on the part of bazaar workers at the Irish Relief Bazaar, after the bazaar was held and in the summer of 1917, to organize a conspiracy* against the draft law? A. Never.

Q. Would the Irish people in this city have tolerated such an act of lawlessness? A. They would not.

Q. Were there some bazaar workers from your parish? A. I happened to be sick at that time for three months; I think there were, yes.

Q. Have you a branch of the Friends of Irish Freedom in your parish? A. Yes, Innisfail Branch. I was sick in the hospital at that time unfortunately. I sent my subscription; that was all I could do.

Q. You were a member of the American Truth Society? A. I was.

Q. You were also a contributor to it? A. I was.

Q. Were you born in Ireland? A. I was.

Q. Where were you educated in Ireland? A. Mount Melleray. My education was partly in Ireland and partly here. I did my theological study here in America.

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*The Government charged that a conspiracy was entered into on this occasion.

Q. You have been closely associated with the late Cardinal Farley? A. Yes.

Q. And with what we might call the hierarchy of the Church here, the bishops and monsignors? A. Yes.

Q. They have conclaves from time to time, have they not? A. Yes, sir.

Q. You attend those conclaves? A. Yes.

Q. The Catholic priest in the city here that is the pastor of a church, exercises great control, doesn't he, over the parishioners? A. Yes.

Q. Did the Catholic priests in this city in the late war make every effort to inspire their flocks with patriotism? A. Yes, sir.

Q. And were they desirous to do military duty? A. Yes, sir. I think they were ultra-American, if anything.

Q. Were you at the April 8th, 1917 meeting at Carnegie Hall, Easter Week? A. I think I was, yes.

Q. Do you remember that Father Duffy, the Chaplain of the 69th Regiment, spoke at that meeting? A. Yes.

Q. Who else spoke at it? A. Judge Cohalan spoke there.

Q. And Judge Goff? A. Judge Goff.

By Mr. Felder—Q. Monsignor, how long have you known the defendant, Jeremiah A. O'Leary? A. About twenty years.

Q. How intimately have you known him? A. Very intimately, I should say; he was in my parish three or four years after leaving college.

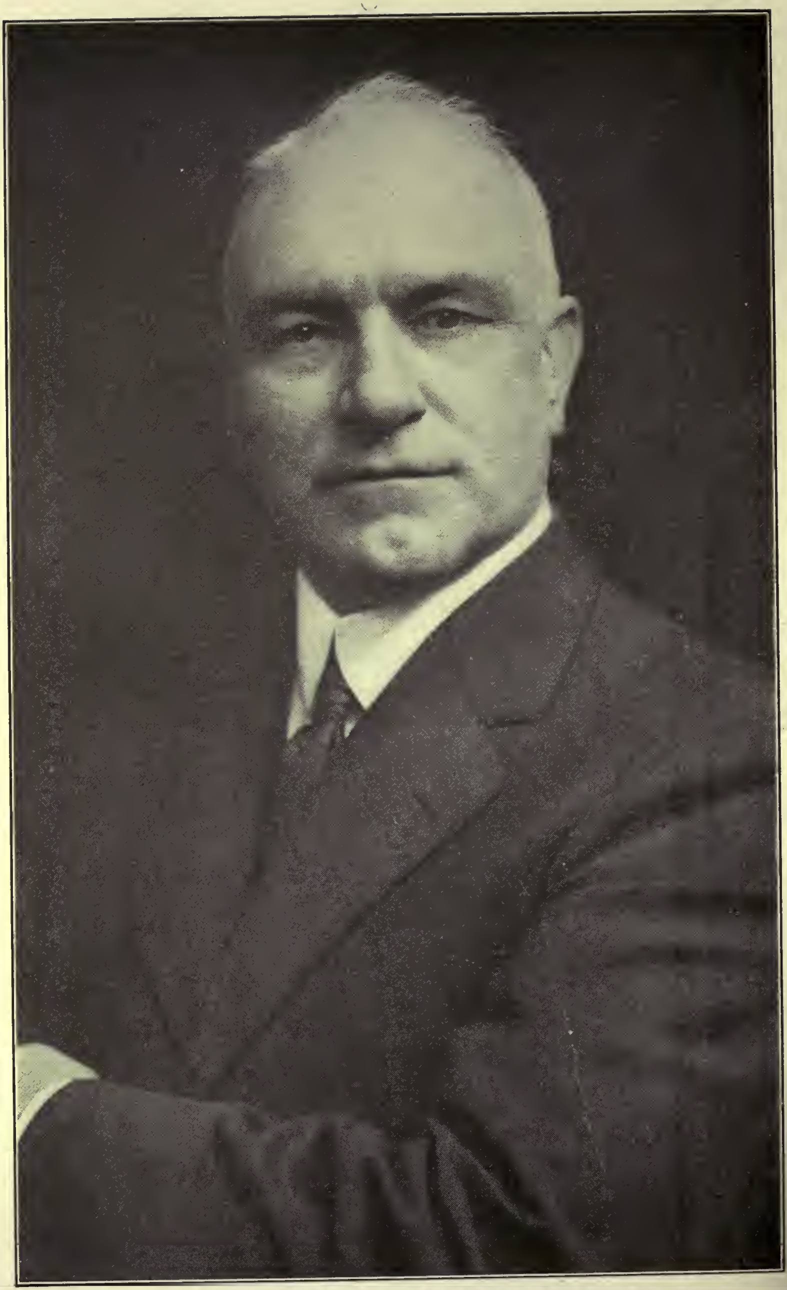
Q. He was your parishioner? A. I do not think he was my parishioner as far as territory goes, but he used to come to church there.

Q. Have you known him, Monsignor, intimately, you say for twenty years? A. From that time up, yes.

Q. What is his general reputation and character for truth and veracity? A. Excellent.

Q. What is his general character in the community in which he resides? A. A model man.

Mr. Felder—That is all. Mr. Osborne—That is all.



Daniel O'Leary, His Father.

XIII

DEFENDANT'S FATHER A WITNESS.

With the exception of certain government witnesses, perhaps no one who testified received more newspaper attention than my father, Daniel O'Leary. Good taste compels me to refrain from writing a description of him upon the stand or the effect his testimony created. He received respectful attention from the jurors except Foreman Hunter. I was proud of the account which he gave of himself and I feel certain that others who heard him were also favorably impressed. He was not cross-examined. Perhaps, discretion dictated this clever attitude of Mr. Osborne. I am sure my father regretted that he was not, because he told me he would have enjoyed it. His testimony concerning the fighting qualities of the O'Leary clan, follows:

By Mr. Felder—Q. Mr. O'Leary, what relation are you to the defendant in this case, Jeremiah O'Leary? A. His father.

Q. How many children have you? A. Had eight born to us, seven of them living.

Q. How are they divided in respect of sex? A. Five boys and three girls.

Q. Can you tell the jury the ages of the five boys, and their names? A. John is the eldest, he is about thirty-nine. Jerry is the second eldest, he is 37, Arthur is about two years younger than Jerry, Daniel comes next, nearly two years; then there is a girl in between, the girl that died; then Alexis, he is the youngest boy. Then there are two girls Marguerite and Alice.

Q. What position do you occupy, if any? A. I am employed in the State Department of Labor.

Q. How long have you occupied that position? A. The present position since 1899.

Q. Is that appointive or elective? A. This was appointive.

Q. By whom? A. By the head of the Department. Prior to that time I was at the head of the Department as its chief.

Q. And you have held that position during several administrations, both Republican and Democratic? A. Yes, sir.

Q. Who appointed you originally? A. Governor Morton.

Q. Governor Morton, who was afterwards Vice-President of the United States? A. Yes, sir.

Q. You have been successively appointed by both Democrats and Republicans as they alternated? A. My appointments all came from Republicans.

Q. Are you a Republican or Democrat? A. I am a Republican. I have served under Governors Black and Roosevelt and knew them personally.

Q. Governor Dix? A. I occupied my present position when Governor Dix was Governor; I knew him personally as a boy because we grew up in the same town together.

Q. What is the occupation, Mr. O'Leary, or profession of these several sons of yours? A. Three of them are lawyers. Jeremiah is a lawyer, Arthur is a lawyer, Dan is a doctor and Alexis is an engineer.

Q. Are your two daughters married or single? A. Single.

Q. Have they any occupations? A. School teachers.

Q. Where do they teach, Mr. O'Leary? A. One of them here in the City, and the other one over in Pennsylvania.

Q. In the public schools or private schools? A. One is a public and the other private.

Q. One is a teacher in the high schools of the City of New York? A. Yes.

Q. And the other teaches in Pennsylvania, in a private school? A. She is in the High School in Pennsylvania, yes.

Q. Where were you born, Mr. O'Leary? A. Glens Falls, New York.

Q. Where was your wife born? A. In Ireland.

Q. Are you of Irish extraction? A. My father and mother both came from Ireland.

Q. And settled in this country about how long ago? A. Well, relatives of the family have been here since between 1760 and 1770.

Q. What is the your age, Mr. O'Leary? A. Sixty-six.

Q. Speaking about your father, Mr. O'Leary, was he a follower and a supporter of Abraham Lincoln? A. It is pretty hard for me to speak about my own father in that respect. He was as thoroughly American as any man that ever breathed. He was a man that was largely read; he made a study of history, and a particular study of the history of this country. He told me, and I have a record of a relative—I do not know the degree—who came to this country between 1760 and 1770; he is recorded among the Soldiers and Sailors of the Revolution in Massachusetts. His name was James McCarthy; a granduncle who came to this country, I don't know the date, but he was here during 1812. My mother told me about a brother, Thomas Flynn, who fought in the Mexican War in 1848 or 1847.

Q. I wanted to find out how many of you fought say in the Civil War? A. In the Civil War. I will explain, Colonel, that my mother was married twice. Her first husband's name was Farrell. In the Civil War I had three brothers and two first cousins, and all of them were killed.

Q. Where were they killed? A. Well, I cannot give you the battles.

Q. How many brothers did you have? A. There were sixteen in my mother's family.

Q. And three of them were killed fighting those Southern rebels. What about the others? A. I only knew four brothers.

Q. You were not old enough to get into that scrap? A. No, I was quite small at that time. Those names, Colonel, are all recorded on the Soldiers' Monument in Glens Falls—Dennis O'Leary, Patrick Farrell, Jerry Farrell, Dennis Corbett, who was my aunt's son, and Arthur O'Leary, who was my uncle's son.

Q. Are you any kin to that O'Leary who fought in the Revolutionary War whose name is written in the history of this country? A. That one there, James McCarthy, is recorded; that is the only one we can find.

Q. What kin were you to him? A. My father claimed him as a cousin.

Q. He was a relation of yours, one of your ancestors? A. Yes.

Q. And refreshing your memory by referring to that slip, did he take a little part in the Boston Tea Party? A. Yes, he is recorded there as under the command of Nathaniel Barbour.

Q. Just read and see what his record is there as taken from that history? A. This is taken from the Massachusetts Record of the Soldiers and Sailors in the War of the Revolution, Volume 10, page 421: "James McCarthy, list of men mustered by Nathaniel Barbour, muster master of Suffolk County, dated Boston, February 2, 1777. Captain Joseph Williams' Company, Colonel John Creighton's Regiment."

Q. Mr. O'Leary, after the War of the Revolution ended, the next war in which we participated was the War with England in 1812. Do you happen to know the particular thing that provoked that war was the fact that England insisted upon searching our vessels and taking therefrom men whom she called her subjects? A. I have read of it.

Q. Did you have any relative in that war fighting for this country? A. I have only what my father claimed, that he had a granduncle, Daniel O'Leary.

Q. Then we had a little scrap with Mexico in 1848. A. My mother told me that her brother, Thomas Flynn—her maiden name was Flynn— was on our side in the Mexican War.

Q. Was he killed? A. I could not tell.

Q. Who was the last of your father's family to leave Ireland? A. He, himself.

Q. They all had come, the immediate family had come over before your father came? A. The family from the eldest to the youngest were driven out.

Q. How did your family come to leave Ireland? A. They were driven out by oppressive laws; some went to Australia; most of them came to this country.

Q. Where did those who came to this country settle? A. One of them settled in Vermont in 1826 or 1828. He later moved to Glens Falls, where there was also settled another brother, Arthur O'Leary, and a sister, a Mrs. Corbett.

Q. What about James O'Leary? A. Arthur was the brother; James was the son of Arthur.

Q. Did you have a first cousin named Norah O'Leary? A. Yes.

Q. Did she have a brother in the Union Army? A. She had a brother.

Q. What regiment was he with? A. I could not tell you the regiment, but I tried to tell you a moment ago that he was killed in the Civil War.

(He fought in Meagher's Brigade with the 69th Regiment.)

Q. The next war following the Civil War in which we participated was the War of 1898 with Spain. Was your family represented in that struggle, Mr. O'Leary? A. My wife's family was.

Q. Well, that is your son's family, isn't it? A. Yes.

Q. Jerry's family? A. Yes.

Q. Who were they? A. Jeremiah Moynihan.

Q. What kin was he to the defendant? A. He was his uncle, my wife's brother.

Q. Do you happen to know whether or not he was wounded at the Battle of Santiago? A. He was wounded at the Battle of Santiago; after receiving his wound, he stopped at our house for quite some time.

Q. Had he recovered from his wound when he stopped at your house? A. Very largely.

Q. Did the defendant Jeremiah O'Leary have any other relatives in the Spanish-American War that you recall? A. We had relatives throughout the West.

Q. The Expeditionary Force that participated in that war was very small? A. Yes, sir.

Q. And raised by the volunteer system, and each State was called upon to raise two or three regiments? A. That is right.

Q. Now then, Mr. O'Leary, after that, the next war in which this Government participated was the war against the Imperial German Government. I will ask you to name all the members of your family and your wife's family and the relations of the defendant Jeremiah A. O'Leary, who participated in that war?

Mr. OLeary answered this question by giving the following list—thirty-five.

Brothers: *Lieut. Arthur T. O'Leary, Aviation, N. Y. City; *Alexis F. O'Leary, Private, N. Y. City.

1st Cousins: *Jeremiah Singleton, Artillery, Glens Falls; *Robert Singleton, Observation, Glens Falls; *Dr. John H. Linehan, Medical, Glens Falls; *Jeremiah Linehan, Navy, Glens Falls;

Cousins: *Lieut. Frank Buckley, Artillery, Portland, Ore.; *Dr. John Buckley, Medical, Portland, Ore.; †Robert Buckley, Machine Gun, Glens Falls, (wounded); †John O'Neil, Private, Mamaroneck, N. Y.; †Joseph McLoughlin, Private, Mamaroneck, N. Y.; †Edward Buckley, Private, St. Paul, Minn.; †John Haines, Private, Yonkers, N. Y., †Alexis Moynihan, Private, N. Y. City; †Daniel Moynihan, Private, N. Y. City; †Daniel O'Connor, Private, N. Y. City; †John O'Connor, Private, Holyoke, Mass; *Warren McCarthy, Private, Haverhill, Mass.; *Lawrence McCarthy, Private, Haverhill, Mass.; †Edw. O'Neill, Private, Newark, N. J.; †Andrew Moynihan, Private, N. Y. City; †Andrew O'Connor, Private, Holyoke, Mass.; †Jas. O'Connor, Private, Holyoke, Mass.; *Lieut. Edward Fitzgerald, Navy, Newburyport, Mass.; *David Fitzgerald, Navy, Newburyport, Mass.; †Thos. B. Downey, Private, Glens Falls; *Thos. J. McDonald, Private, Glens Falls; *Thos. A. Wilkins, Ft. Edward, N. Y.; *Capt. Wm. Fitzgerald, Infantry, Ft. Edward, N. Y.; †Joseph Roach, Private, Chicago, Ill.; †Patrick Evans, Private, N. Y. City (wounded); †John

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*Volunteer.
†Drafted.

Doody, Private, N. Y. City; *Eugene Cashman, Private, N. Y. city (killed); *Wm. F. Burns, Artillery, La Junta, Colo. †Dennis Moynihan, Private, N. Y. City.

Q. I want you to tell the jury, Mr. O'Leary, whether or not the defendant has any male relative within the draft age who is not now and who was not in the army so far as your investigations have extended? A. I don't know of any, Colonel.

Q. You don't know of a single, solitary one? A. No, sir.

Q. Tell the jury whether or not, Mr. O'Leary, every man whose name you have mentioned was of Irish extraction? A. Every one of them.

Q. Tell the jury whether or not, in addition to being related to the defendant, Jeremiah A. O'Leary, they were friends of his, mixed and mingled with him and discussed the various problems growing out of the war and developed by it? A. Those that were here in the City, yes; there were some of them removed that he could not meet, of course.

Q. Outside of those who volunteered, tell this jury whether or not a single solitary one of those men kin to this defendant and his friends, resisted the draft? A. I have not any knowledge of anything of the kind.

Q. Did you ever hear one of them resisting it? A. I did not.

Q. Do you happen to know whether any of them ever read "Bull"? A. Some of them I presume, did.

Q. Do you know whether they heard the public speeches of the defendant? A. I could not say that; probably some of them have.

Q. Did you ever hear any of them discuss the question of Irish freedom with the defendant? A. No, I do not know as I have, except where it was talked in my own house.

Q. Were they friends, admirers and followers of the defendant Jeremiah A. O'Leary, any or all of them? A. I think without an exception I might say yes. I wish, Colonel, to also say that this list is not yet complete; we are making it up, and we are getting information from every source we can for it.

My own daughter offered her services to the Red Cross, but for some reason or other she was not accepted.

Q. Do you know whether she was rejected because she was a sister of the defendant or not? A. I would not like to say that; but that was largely our opinion.

Q. Mr. O'Leary, in addition to the military duties devolving upon the citizens of this country, there were certain civic duties that were just as important and just as high a type of patriotism, such as buying War Savings Stamps, Liberty Bonds, aiding the Red Cross in its activities, and the Jewish Societies and the Catholic Societies that were organized to furnish ladies to nurse soldiers and to provide comforts for them. I will ask you to state whether or not you know anything that this defendant may have done in regard to buying Liberty Bonds, War Savings Stamps or making contributions to the Red Cross, or any other of these civic societies?* A. I know that he bought bonds, I know that his wife bought bonds.

Q. Do you know that your son John O'Leary bought bonds? A. Every one of my children, without an exception bought bonds—every one of them.

Q. I want you to tell this jury, Mr. O'Leary, whether or not any man, woman or child, whether nearly or closely related to the defendant Jeremiah O'Leary, or distantly, shirked any military or civic duty devolving upon that family? A. So far as my knowledge would lead me to answer, no, not one of them. I want to say further, Colonel, that my wife and my two daughters constantly worked on Red Cross work during the entire war; they knitted sweaters, socks; they did all that kind of work constantly; worked even on Sunday.

Q. Do you happen to know, Mr. O'Leary, whether any utterance, printed or verbal, ever made by the defendant, Jeremiah A. O'Leary, had the effect of creating mutiny or insubordination, or of interfering with recruiting and enlistments, either in the army or the navy of the United States? A. They could not, because he was always in favor of it. I have discussed more than once with the defendant the question of a standing army; he was always in favor of a large standing army and a large navy. He was always in favor of the training of the youth of this country in military tactics; his opinion was that they should be trained from the time they went in the primary grades, until they left the college or whatever part of the school they came out of.

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*I sold my home at a loss of $6,500 and turned the proceeds into Liberty Bonds.

Q. Carrying out his own notions and his own ideas about military preparedness, did he as a boy select the school that he attended? A. I do not know of any place that he ever got in with a bunch of boys that he did not have them training; if he had a baseball club, he had them trained to soldiers before he got through with them.

Q. Did he select and go to school at the Christian Brothers Military Academy? A. Yes, sir.

Q. How long was he there? A. Whatever length of time they required to secure a graduation.

Q. He was an officer there, was he, and trained the boys? A. Yes; every one of the boys had military training, as far as schooling was concerned.

Q. I will ask you now to state to the jury whether or not in any discussion with these various young men in the family circle or elsewhere when you were present you heard the defendant Jeremiah O'Leary advise, admonish or intimate to a single solitary one of them that they should shirk—to any of his kinfolks, men or women—that they should shirk in connection with this war, any duty, either military or civic? A. Never did; on the contrary he always urged them to go forward.

Q. Urged them to go forward and fight for their country? A. It was at his urging that my daughter Margaret made her application to the Red Cross for overseas work.

Q. From childhood up, what was the trend of your son's mind in regard to studying the history of his country and the Irish question and the Constitution of the United States? Was he studious, and what particular things did he study? A. He was, from the earliest days, when he attended school, always very studious and very apt. My father lived with me from the time that I was married in 1878 until he died at the age of 88 years in 1893, and I might put it in a homely way that he was almost a nurse to the older boys. He was a very kindly old man; he loved those children; was very kind to them and they seemed to adore him, because they stayed with him even when they had every chance to play; they would rather sit down and listen to the old man tell his stories. When they were babies he would rock them in their cradle; coming along when they were able to walk, they were alongside of him all the while. I think probably outside of their mother's voice, the first voice they heard was his, and the first tune he ever taught them was "Yankee Doodle." He would sing that to them and rock them to sleep on it. This boy was a particular favorite of his. My father and my mother suffered terribly under English rule; they were driven from their homes; their family scattered; their children died on the way over from exposure. Those things rankled in his mind always; he never tired of telling that story to his grandchildren, as he had told it to me, repeatedly. They were driven from their own land against their will and against their consent to this country as paupers and beggars almost. If they had not friends here they would have been beggars.

Q. And he told your sons and children that story? A. Repeatedly. The country where we lived, Colonel, was filled with historical interest. We had our Saratoga, Lake Champlain and Ticonderoga; we had Lake George and Bloody Pond; we had Jane McCrea, we had all these associations; we lived right amongst them. I knew the old man to take this boy down to Fort Edward, five miles away, to show him the spot where Jane McCrea was scalped. He would take them up to Bloody Pond and show them the historical spots. There is a place in Glens Falls, at the Falls itself, that is historical, made so by Cooper's Tale of the "Last of the Mohicans." He would take them down there and show them that, and tell them all about it. He would tell them all the stories of historical matters about American history and about the doings in the war and the sufferings of Washington and his soldiers. Those stories were ever in his mind and he imparted them to those children, constantly day in and day out. They could not have a disloyal thought in their minds; it was never taught to them by my father nor by me nor by their mother nor by anybody else.

Q. Did this old grandfather teach them to be disloyal or unpatriotic to this country? A. I guess not.

Q. He was thoroughly saturated with patriotism? A. Absolutely.

Q. And he took very great interest in American politics? A. Absolutely.

Q. Now, starting at that time, with the lessons that the defendant learned at his grandfather's knees, and upon his knees, did this defendant start to read the history of this country and its constitution and the Life of Washington and Jefferson and Lincoln? A. He was always searching for information of that kind. This boy would not allow any light literature in the house; he would quarrel with his brothers, if he found them reading every day novels.

Q. He would not let them read Jack Harkaway among the savages? A. No; he would drive them out. He didn't want them in the house for himself and he hated to see any of his brothers having such books in their hands.

Q. I will ask you to state to the jury whether or not this defendant from childhood has been an upright, honorable, straightforward, pious young man—boy and man—was he sober? A. Always the best; always an obedient child, always attentive, always good. I want to say to you and to this court and this jury that I do not think any father could have a better son than he.

Q. Was he sober, Mr. O'Leary? A. We were a little temperance community in ourselves.

Q. Did you ever drink liquor yourself? A. Never.

Q. Did the defendant Jeremiah O'Leary ever take a drop of liquor? A. No child belonging to me has ever touched liquor.

Q. He was a devoted churchman? A. Absolutely.

Q. And he married at what age, Mr. O'Leary? About the age of 28? A. Somewhere along there.

Q. And he has several children? A. He has four children.

Q. And you have observed him as a family man? A. Yes.

Q. Virtuous? A. Yes.

Q. Devoted to his family? A. Yes.

Q. Mr. O'Leary, I will ask you to state whether or not your son worked diligently in his profession and from the proceeds bought him a home up at Jumel Terrace? A. He did.

Q. Do you know why he bought the home on that site? It is a historical site, is it not? A. It was a good, a healthy and a historical location.

Q. Did you ever know whether or not he bought it in that particular locality overlooking this river because Washington's Headquarters were just across the street? A. Well, I knew the headquarters were across the street, but of course I did not know the incentive. I know he talked about it and liked it, and bought it.

Q. Where are Jerry's wife and children now? I do not mean at the moment. Where are they living now? A. They are living with me.

Q. Why? A. Because they had to get rid of their home.

Q. He has lost his home, Mr. O'Leary? A. Yes.

Q. Home broken up? A. Yes, sir.

Q. And one of his children is with one relative and another with another? A. Yes.

Q. And the balance of the family are living with you? A. That is right.

Q. In a small flat in the City of New York. Was this home he lived in a large private house, Mr. O'Leary? A. Yes.

Q. Do you know how much he paid for it? A. Between $13,000 and $15,000; I do not know just the figure. I know he laid out considerable money.

Q. Do you know whether it was free and clear or mortgaged and he bought it himself and paid for it? A. Oh, yes.

Q. And was living there in peace, contentment and happiness? A. Yes.

By Mr. Jeremiah A. O'Leary: Q. Pop, when was it that I sold my home—that is, when the home was sold? A. A few months ago, Jerry.

Q. How many months ago was it? A. I should say about five months.

Q. That was when my wife went down to live with you? A. Yes.

Q. Was the home that I had a large, spacious home? A. It was.

Q. Was it well furnished? A. Yes.

Q. And the place you live in now, is that an apartment in a corner apartment house? A. It is an apartment.

Q. How many rooms? A. Seven rooms.

Q. And did my wife go down there with the four children after the home was sold? A. Yes.

Q. It was kind of crowded there, wasn't it? A. A little bit.

Q. And two of the children had to be sent out to other places? A. Once in a while.

Q. Aren't they out now? A. They are out, yes.

Q. All the time I was in the Tombs? A. Yes.

Q. While all these relatives were in France, their cousin was in the Tombs. Is that right, Pop? A. Yes.

Q. We always had strong convictions on the English question? A. Always. Had reason for it.

Q. It was never any crime when grandpa was telling these stories, to talk about it, was it? A. Oh, no.

Q. Did you ever know of an Irish-American before in the history of this country having been prosecuted by the United States Government because he hated England, Pop? A. I never heard of a case like this before.

Q. Do you know Pop, that James W. Osborne, Jr., the prosecuting attorney in this case, that his father fought against the Union that your three brothers tried to save? Do you know that, pop?

The Court: That is an improper question, absolutely improper.

Mr. Jeremiah O'Leary: I know it is improper, but it is the truth.

The Court: Don't continue this kind of an examination.

Mr. Jeremiah O'Leary: It is the truth, and men with red blood in their veins cannot look away from it.

Mr. Felder: The witness is with you.

Mr. Osborne: No questions.

Mr. Felder: Come down, Mr. O'Leary.

XIV

SONS OF ERIN AND THE DRAFT.

My next witness was Martin Conboy, Director of the Draft for New York City, who officially crushed the prosecution's suggestion that the Irish in New York conspired against the Draft. Mr. Conboy testified that the Irish alien had done his duty to the extent of 47 per cent., while the English alien had done only 32 per cent. The testimony was a revelation to the jury, but more than that, it was an established fact of great importance to the Irish in America. Mr. Conboy's testimony created a profound and favorable impression on all in the courtroom, and was widely quoted in the press. I consider it as one of the most important attestations of the devotion of the Irish-American to the United States that has been made in recent American history. It can all be summed up in these words: The Irish in America claimed the fewest exemptions from military service of any other race, although they perhaps had the most claims to make if they desired to make them. On the contrary, men of English birth made the most claims to exemption. I consider it an extraordinary privilege to present these authentic facts through the medium of my persecution. If this book performs no other service it justifies its existence by presenting and preserving for all time Mr. Conboy's examination as follows:

By Mr. Felder: Q. Mr. Conboy, what official position did you hold after this country went to war against the German Empire? A. For a period of time I was director of the Draft for New York City.

Q. How long did you hold that position? A. From the 15th of January, 1918.

Q. Up to and including what time? A. I am still Director.

Q. State to the jury, Mr. Conboy, in your own way, just what your duties were, your official duties. A. The office of New York City representative of Selective Service Headquarters, known as the office of the Director of the Draft, has general supervision over the operations of the Draft in the City of New York. We have in this City 189 local boards; there are probably more here than there are in any state in the Union. The number of men, total classification lists of New York City after the September 12, 1918 registration was completed, was 1,483,000, and I suppose it is known to everybody that it is very variegated from the standpoint of racial groups and population. Generally speaking, the office was one of general supervision of the operations of the Draft within the entire city.

Q. You were the official head of the operation of the Draft law for the entire city of New York? A. Yes.

Q. Are you of Irish extraction; A. Yes, sir; on both sides.

Q. I will ask you to state to the jury whether or not in the performance of your official duties you had occasion to classify the citizens of other countries living in America—I mean the citizens of Irish birth, the citizens of Ireland who lived here and came within the draft age, the French, Italians and various others? A. All persons who were within the United States and were not actually in the military or naval service of the United States on each registration day coming within the limits fixed by the particular law or proclamation determining who should register or required to register, whether they were American citizens or citizens of any other country.

Q. Mr. Conboy, I will ask you this general question: Whether or not in the discharge of your duties you discovered during this period of time any disposition upon the Irish of the City of New York to obstruct the draft or to refuse military service or to create the slightest insubordination? A. *There was no evidence of any such thing.*

Q. I will ask you to state to this jury, Mr. Conboy, if you have the statistics of the various aliens to whom you referred, among what class of aliens did the largest per cent, in your classifications go in Class 1? A. Well, all that we have in that respect is what is contained in the last report of the Provost-

Marshal General showing the results of classifications throughout the entire United States.

Q. Have you that record with you? A. Yes, sir.

Q. Well, take the United States then, from that report. A. *The percentage of Irish in Class* 1, *that is, in the class that was immediately available for military service, Irish aliens—*

Q. *That is what I mean.* A. *Is the greatest of all nationalities or racial groups; the percentage of Irish in the deferred classifications, that is in Classes outside of Class* 1, *is the least of all races.*

Q. *The least of all races. Can you tell the jury about what per cent of the Irish aliens subject to military duty in this country, according to that report, was placed in Class* 1? A. *I think it is* 45 *per cent.*

Q. *What per cent of English aliens were placed in Class* 1? A. 32.27.

Q. *The Irish were* 45 *and the English were* 32 *and what?* A. .27.

Q. Have you the Italian? A. Yes; the Italians were 41.57.

Q. Now, take up the other belligerents if you have them. A. The percentages of co-belligerents, according to this report, are as follows: Belgium, 35.75; Chinese, 14.78; French, 31.79; Canadian, 35.69; English, 32.27; Irish, 45.4; New Zealand, 43.50; Scotland, 35.64; Wales, 36.59; other British, 32.24; Greece, 24.87; Italian, 41.57; Japanese, 6.74—it is incorrectly set forth as 67.41, but there were 14,582 Japanese and 983 were in Class 1—Portugal, 13.29; Armenia, 25.50; Russia, 24.22; Servia, 34.30; United States Indians, non-citizens, 29.73. The total percentage of all aliens in Class 1 was 24.33, and co-belligerents 30.35. Then, of course, there were the neutrals: Central and South America, 21.79; Denmark, 38.70; Mexico, 13.25; Netherlands, 25.85; Norway, 34.81; Spain, 17.25; Sweden, 32.24; Switzerland, 25.42; all others, 29.61.

Q. Those statistics deal with the aliens. Have you any list of the various nationalities who were citizens of the United States, or could that be classified? A. No; there is no such tabulation been prepared, so far as I know.

Q. In a general way, do you know whether or not as many of the Irish race in this country volunteered for duty overseas as any other nationality? A. It would be entirely an assumption on my part; I should be very much surprised if they had not.

Q. *Except as you might have seen it reflected in some of the newspapers, I will ask you to state to this jury whether or not you have ever heard, during the performance of your duties in the City of New York, of any Irish conspiracy or any attempt to obstruct the draft or to produce insubordination or to resist the draft or anything else that would show a lack of patriotic feeling and loyalty to this country?* A. *No, sir.*

Q. *Have you ever known of any movement, public or private, on the part of the Irish-Americans or the Irish aliens in this country to produce any insubordination or any mutiny or any disloyalty to this country or to the flag of this country?* A. *No, sir.*

XV

IRISH SOLDIERS SPURN BRITISH UNIFORMS.

Captain Cavanagh, of the Sixty-Ninth Regiment, who had been wounded in France, a young man who had been sent back to attend the War College, being the youngest officer upon whom this great distinction had been conferred, swore that the Sixty-Ninth Regiment officers and men were my friends and spoke highly of me as a man and as a patriot, and particularly of my work in the Sixty-Ninth Regiment. He made it very clear that the members of the Regiment had no love for England, and that they did not approve of the persecution to which I had been subjected. He related an incident which the newspapers had never printed, and which was new to those in the courtroom. He told how the men in the Sixty-Ninth had mutinied because they had been asked to wear British uniforms. They had run short of supplies, British uniforms were handed out, and they absolutely refused to put them on. No urging or threats could move them. Accordingly, the uniforms were sent back, altered and made American, whereupon the men agreed to wear them. Captain Cavanagh's testimony produced a strong and visible effect on the jury, and he made a striking figure indeed as he sat upright in the witness chair, every inch the soldier and gentleman, answering all questions quietly and to the point. I take pride and pleasure in quoting it:

By Mr. Jeremiah O'Leary:

Q. Where do you live, Captain? A. At 51 Hamilton Place.

Q. In this city? A. Yes, sir.

Q. You were born in this country? A. Yes, sir.

Q. Where? A. Holyoke, Mass.

Q. Were you during the late war a member and officer of the 69th Regiment? A. I was.

Q. And did you go with the regiment to France? A. I did.

Q. What was your rank when you returned from France, Captain? A. First Lieutenant.

Q. What was your rank after that time? A. Captain.

Q. Are you now in or out of the service? A. I am out of the service.

Q. When were you discharged? A. The 27th or 28th of December.

Q. 1918? A. 1918.

Q. What is your occupation in civil life? A. Lawyer.

Q. Before you joined the 69th Regiment, what regiment did you belong to? A. The Seventh New York.

Q. When did you join the Seventh Regiment? A. About eight years ago; I am not certain of the date.

Q. That would be about 1911? A. It was 1910 or 1911.

Q. I suppose you joined it as a private? A. Yes, sir.

Q. And when did you go from the Seventh Regiment to the 69th? A. In April, 1917.

Q. That was just about at the outbreak of the war? A. Yes, sir; within a few weeks before the outbreak of the war.

Q. Where did you make the transfer? Did you make it at Camp Mills or where? A. At New York City; it was before the regiment went to Camp Mills.

Q. At that time where was the 69th Regiment located? A. The regiment had just been demobilized after service on the border, and were located in the armory on Lexington Avenue.

Q. Did you go to the border with the Seventh Regiment? A. Yes, sir.

Q. How much service did you see down there? A. I went down the middle of June, and came back the first of December.

Q. Were you a friend of Lieutenant Whalen, my wife's brother, who died at the Mexican border with the 69th Regiment? A. Yes, sir; we were intimate friends.

Q. He was also an officer of the 69th Regiment, was he not? A. Yes, sir; not in my time; he was in the Seventh during my time.

Q. But he transferred from the Seventh to the 69th Regiment and became a commissioned officer and went with the 69th Regiment to the Mexican border where he died of meningitis? A. Where he died, yes, sir.

Q. When did the 69th go to France? A. It left in two sections; the first section left the latter part of October; that was one battalion.

The Court: 1917?

The Witness: In 1917, yes, sir; and the second section, consisting of two battalions, of which I was a part, left on October 30; we embarked at that time but did not sail for a day or two afterwards.

Q. What company were you attached to at that time? A. At that time I was acting assistant regimental adjutant.

Q. Who was the regimental adjutant? A. Captain Doyle, now Major Doyle.

Q. The adjutant is not what they call a line officer, is he? A. The adjutant is a staff officer.

Q. Did you later become attached or connected with line work? A. After our arrival in France, at my request.

Q. What company, Captain? A. First with Company I, afterwards Company M, and afterwards Company E.

Q. Did you see service there? A. Yes, sir.

Q. In the trenches? A. Yes, sir.

Q. For how long? A. From February until the end of May.

Q. 1918? A. 1918.

Q. At what places? A. Near Luneville and afterwards near Baccarat.

Q. Only in those two vicinities? A. Yes, sir.

Q. Were you under fire at both places? A. Yes, sir.

Q. You were not with the regiment when they crossed the Ourcq River? A. No, sir; I had been ordered home prior to that time as an instructor.

Q. State whether or not you were in command of any company while you were in the trenches under fire, Captain? A.

Yes, sir; I was in command of Company I, and later of Company E.

Q. Were you personally acquainted with and associated with men in the regiment who were my former associates? A. Yes, sir.

Q. Will you tell the jury who those men were? A. Well, Major Moynihan, now Lieutenant Colonel Moynihan, Major Stacom and Major Kelly, who was then Captain Kelly.

Q. He has received the Distinguished Service Cross? A. Since I left France; I saw the notice. Captain Archer.

Q. He was "Jimmie" Archer, the 100 yard Metropolitan champion. Did you know Lieutenant Dick Allen? A. Yes, sir.

Q. Lieutenant Coleman Burns? Yes, sir.

Q. Captain Hurley? A. Yes.

Q. Major James McKenna? A. Yes, sir.

Q. He was killed at the Ourcq River? A. Yes, sir.

Q. Now, Captain, have you discussed with those men, have you talked to those men about me? A. I have often heard your name mentioned by those men.

Q. Are you acquainted, Captain, with my reputation among the officers of the regiment? A. Yes, sir.

Q. As to truth and veracity and as to service performed? A. Yes, sir.

Q. What is it? A. Excellent.

Q. Now, Captain, is there any feeling in the 69th Regiment that you found or observed there in regard to the freedom of Ireland? A. Yes, sir.

Q. What is that? A. Among the men there is a very pronounced antipathy toward England.

Q. And was there any incident that occurred there while you were in charge of your company and while you were with the regiment that emphasized that? A. There was one incident that at the time amused me, and that emphasized it upon my mind very strongly. During the winter the service of supplies on the other side had not been built up as well as it was afterwards. We had a long hike through the snow that lasted six days. During that time our supplies had difficulty in keeping up with us; the mules had difficulty in getting the supplies through the snow; and at the time of our arrival at the new divisional area we were very short of supplies, short of shoes and uniforms. Pending the arrival or the building up of the system of supply to this new area, which was a considerable distance, about one hundred kilometers, somewhat over fifty miles, from where we had been, a number of British uniforms were borrowed from one of their base depots in the vicinity. I remember this evening I came in there from drill with the company, had some work in the orderly room, and we had a supply station down the street in this little town, and there were a number of the men arguing and making considerable noise in front of the supply station. I came out and asked the supply sergeant, "what is the matter?" and he said, "the men won't take these uniforms." It rather amused me. There was not a man there in this crowd of members of the regiment who was willing to put on these British uniforms, which were just furnished temporarily. As it turned out, we afterwards sent them back to our regimental supply officer to provide them with the buttons of American uniforms. And I put one on, the other officers put them on, and the men then put them on afterwards.

Q. *Now, Captain, did that feeling of antipathy to England as you have described in any way, so far as you observed it, influence the fighting of the men or the fighting qualities of the men or the morale of the men in the regiment?* A. *Not a bit.*

Q. Usually men with strong convictions make good fighters, don't they, Captain? A. Well, I would think they would have to have strong convictions, yes, sir.

Q. As officers, did you ever have any trouble with these men keeping them under control because of their feeling in regard to England while in Europe? A. No; the discipline of the men was surprisingly good from the time we reached France.

Q. You did not interfere with any discussion of the Irish question? A. I was not interested in it.

Q. Did you give the men perfect liberty to discuss those questions? A. *They talked about what they liked.*

Q. If you had interfered with them then you might have discouraged them? A. There was no reason for it.

By Mr. Arthur O'Leary: Q. You were ordered back from France, were you not? A. Yes, sir.

Q. And you were ordered on duty as an instructor at Fort Sill? A. Yes, sir.

Q. Is that the School of Arms? A. The Infantry School of Arms.

Q. And you served there as an instructor for a time? A. Yes, sir.

Q. You were then ordered to Washington? A. Yes, sir.

Q. Weren't your services requested in Washington by a member of the General Staff? A. Yes, sir.

Q. And what service were you ordered to perform at Washington? A. Well, that would be rather difficult to say, just what the service was.

Q. In what division? A. I was with the War Plans Division of the General Staff.

Q. They also call it the Army War College? A. Well, that was merely the location.

Q. You were the lowest rank man in that service? A. There may have been one or two more captains on duty at various times, but I was practically the only captain on duty there.

Q. The general type of men in the War Plans Division were men that were of the rank of Colonel and such as that? A. The majority of the officers on duty at the War College at that time were Colonels or Lieutenant Colonels; most of them were ranking officers of the Army.

Q. Now, Captain, I think you have stated that your occupation is that of a lawyer? A. Yes, sir.

Q. And as a lawyer, have you had business relations with the defendant O'Leary? A. In the past I have, yes, sir.

Q. For about how many years? A. I have known Mr. O'Leary for about nine years.

Q. He has had business with the company with which you are associated, has he not? A. Yes, sir.

Q. You have been and I believe are counsel for the Hartford Insurance Company? A. Yes, sir.

Q. Are you acquainted, or are you familiar with the reputation of the defendant Jeremiah O'Leary among lawyers and among people of that class with whom he had dealt? A. I think I am.

Q. Are you acquainted and familiar with his reputation among people of that character for truth and veracity? A. Yes, sir.

Q. What is that reputation and character? A. That is excellent.

Q. Is the 69th New York, or rather the 165th United States which is also the 69th New York, now in France? A. Yes, sir.

Q. And these associates and intimates of the defendant Jeremiah O'Leary whom you have mentioned as among the officers of the 69th, are now in France? A. The majority of them are, yes, sir.

Next came Rev. John H. Dooley, rector of Corpus Christi Church and Catholic Chaplain of Columbia University, always a staunch and devoted American of American birth. Father Dooley stated that he belonged to the American Truth Society and was interested in its work. He denied with emphasis the existence of a conspiracy among the Irish to obstruct the Draft, called such a charge "ridiculously false" and told in rebuttal of what his parish had done for the war. He also narrated the organization and activities of the John P. Holland Branch of the Friends of Irish Freedom, which was recruited in his parish and holds its meetings in his parish hall. He vouched strongly for the patriotism and character of the defendant, and swore that while he read every issue of "Bull," he never saw anything in it calculated to create disloyalty, mutiny or insubordination in the Army or Navy. Father Dooley is a man of strong personality and made an exceptionally effective witness in my behalf.

Rev. P. J. O'Donnell, the popular Assistant rector at St. Francis de Sales Church, next took the stand and furnished a direct contradiction to Arthur Lyons' statements that I had raved and sworn in his presence in front of his Church, the night before I went West. He described me as a clean-spoken man, who never used profanity. He vouched strongly for my patriotism and character, and also ridiculed the idea of any conspiracy among the Irish to defeat the Draft.

Warden Hanley of the Tombs and Inspector Faurot, one of the most famous detectives and criminologists in the country, attacked the methods of identification employed by the Government in both my case and that of Willard J. Robinson. They each swore that the proper and the only safe and fair way to identify a prisoner was to compel the identifier to select the prisoner from a line of men, and that such was the best approved method, and was in use everywhere. Both declared that an identification where the prisoner was alone was bad. I refer to Inspector Faurot's testimony because he is one of the most famous police experts in the United States.

A striking and malign coincidence occurred while Inspector Faurot was on the stand. The prosecution brought a woman into court, and I observed Dr. Bischoff pointing out Robinson, who was temporarily in the courtroom, calling her attention to him. I protested vigorously against such unfair methods and demanded the Court's protection for Robinson. Mr. Osborne was plainly angered at Dr. Bischoff's sinister action but said nothing in reply to my protest. The woman was hurried out of the courtroom while the jury looked on with astonishment.

Thomas McCoy corroborated Stephen W. Johnson's testimony in regard to Victorica's visit to Thirty-seventh Street and Broadway. He was not cross-examined, to the surprise of every one, and left the stand smiling. John R. Jones, a lawyer, who had been associated with me in my practice, Miss Bleecker, a stenographer, and Louis Goldman, a law clerk, former employees, all testified to the raid on my office, in which my books and papers were illegally seized and taken away by Dr. Bischoff of the American Protective League, and Agent Kemp of the Department of Justice. They told how Kemp was in my office every day for two weeks, ransacking and examining every paper and document, and how they did not dare to interfere. It appeared that Mr. Jones was threatened with an indictment, by means of a written presentment made to District Attorney Barnes—a most extraordinary proceeding, since Grand Juries by law make their presentments to the Court. The abuse of the Grand Jury process by a public prosecutor was sufficiently startling in its irregularity to shock the jury. Other witnesses called were P. J. Conway, President of the Irish-American Athletic Club and Judge James A. Delahanty, both of whom attested my good character.

XVI

SENSATIONS IN COURT.

Major Michael F. O'Rourke, a veteran of the Spanish-American War, then took the stand. As a Trustee of the American Truth Society and member of the National Executive Committee of the Friends of Irish Freedom, he made an excellent and impressive witness. By calling a successful business man, he related in a very quiet and impressive manner facts of prime importance which ridiculed the government's contention that the Irish were opposed to the Draft and countenanced a plan to resist it. He gave the history of the Truth Society and corroborated other witnesses on the main points of the defense. As a witness he made an excellent impression.

Then Dr. Gertrude E. Kelly, one of the most active women workers for the Irish Cause in New York, took the stand. She sprung a complete surprise on the prosecution when she swore she was present in Court when Mme. Victorica took the stand and observed her and that she acted the part of a drug addict or "dope fiend" as they are popularly called. Dr. Kelly, a woman of high medical standing, described in detail Victorica's actions upon which she based her professional conclusions. Much to my surprise she was not cross-examined by the government, although her testimony was one of the strong cards of the defense. Dr. Kelly was well able to testify on other matters but I did not desire to submerge what I felt was very important medical evidence which completely discredited the alleged "German spy," with other matters copiously attended to by scores of other witnesses of the standing and cleverness of women like Mrs. Gertrude Corliss and Mary Brennan.

A sensation awaited the court and all present when Willard J. Robinson mounted the witness stand. He was represented by William Travers Jerome and Judge John T. Martin. Mr. Jerome stated that he would permit his client to answer only five questions. These he had written on a sheet of paper and given to Mr. Felder. Robinson swore that he had never met Victorica. He declared that he had never worn a moustache, thus contradicting Chief of Police Pettit, of Long Beach. He also denied that he had met John J. O'Leary or Arthur Lyons at Newburgh. He then refused to answer any more questions, though strongly importuned to do so by the defense. Robinson was cool and collected on the stand, and replied in a manner to convince all that he was telling the exact truth. In refusing to answer all questions freely he said, "I have no faith in the integrity of the prosecution. I refuse to answer." Following Robinson on the stand came Bird T. Wise, who identified the Wise letter, the communication in which Henry A. Wise, former District Attorney for the Southern District of New York, declared that he had to retire from his connection with the O'Leary defense, because of fear of persecution in Washington, "such as that to which General Wood was subjected."

My brother, Arthur T. O'Leary, next took the stand, and related in great detail his work during the war. He had charge of the shipment of all airplanes and aircraft supplies from New York, had the custody of important military and aircraft secrets; had charge of the piers and of their protection from destruction. He knew the time of sailing of all ships and received constantly reports of all ship movements. He was in continual communication with Washington, knew the military codes, and was informed of the movements of troops. His testimony showed how absurd was the contention of the Government that I had conspired to blow up ships, since the Government placed a brother of mine in charge of shipping at New York. Mrs. Mary Schulte and Miss Catherine Brady testified that on several occasions they had reported to me suspicious activities of Japanese and Germans, the former around the new fort at Rockaway, and the latter in an apartment house; and that in both instances I had advised them to inform the Department of Justice, and that in both cases the Department of

Justice or the Bureau of Naval Intelligence had investigated, in the former instance very carefully.

On Monday morning, March 10, Mrs. Eleanor Johnston Kelly, wife of Major Michael A. Kelly, of the Sixty-Ninth Regiment, then in France, was called to attest my character and the warm friendship between her husband and myself. Mrs. Kelly quietly and with reserve made an excellent impression on the jury. She was not cross-examined. Mrs. Kelly was followed by Sergeant O'Brien of the Sixty-Ninth Regiment, who took part in every battle in France in which the "Fighting Sixty-Ninth" was engaged, and was himself wounded twice. O'Brien made a very strong witness for the defense. He was a fine, stalwart type of the Irish race, and every inch a fighter. He wore his uniform and showed his scars to the jury. He related how the Sixty-Ninth hated the British and told how Captain McKenna—later Major McKenna—who was killed while leading his men across the Ourcq River, told the boys not to put the British uniforms on, "to wear their rags first." He also said that the men of the Sixty-Ninth said that "O'Leary's arrest was an outrage," and that every man of the Regiment hoped that I would get out of it. Sergeant O'Brien's testimony made a powerful impression on the jury. I am proud to quote it as convincing evidence that instinctive, just hatred of England by an American of Irish birth, because of England's treatment of Ireland, in no way derogates from an Irishman's devotion to our common country.

By Mr. Felder—Q. Sergeant O'Brien, where were you born? A. Ireland, sir, County Cork.

Q. At what age did you come to America? A. At the age of 25.

Q. Have you seen any military service? A. Yes, sir.

Q. State to the jury when you first enlisted to do military service? A. The 29th of August, 1915.

Q. What regiment did you join? A. The 69th, now the 165th.

Q. What military duties, if any, did you perform after you joined the 69th in 1915? A. We were drilled one night a week in the armory, at that time.

Q. After that did you go with the regiment to Mexico? A. Yes, sir.

Q. You did duty along the boundary line? A. Along the border.

Q. Then, when you came back, when did you return to New York with the 69th from the Mexican border? A. The 6th of March, 1917.

Q. That was the National Guard then, wasn't it? A. Yes, sir.

Q. Did you remain a member of the 69th after that? A. Yes, sir.

Q.When war was declared against the Imperial German Empire, I will ask you to state whether you volunteered for service? A. I volunteered, sir.

Q. With the 69th? A. Yes, sir.

Q. Where did you go after you volunteered? A. To France.

Q. But before you went to France? A. Camp Mills.

Q. And then you went to France when the 69th was amalgamated or rather was changed to the 165th? A. Yes, sir.

Q. That is part of the Rainbow Division? A. Yes, sir.

Q. That was the first to go over to France, wasn't it? A. Yes, sir.

Q. When did you arrive in France? A. About the 12th of November.

Q. How old are you Sergeant? A. 31.

Q. Who commanded your regiment in France? A. We had several commanders; Colonel Hines took us over, and he was promoted; then we got Colonel Parker, and he got promotion; then we got Colonel McCoy, and he got promoted.

Q. What battles did you fight in? A. Every battle the American soldiers fought in; I was in every one.

Q. What is that? A. I was in every battle that was fought in France.

Q. That is, that was fought by your regiment in France. A. Yes, sir.

Q. Can you name some of them? A. I was at the Champagne front, the battle of the Ourcq, Chateau-Thierry, the battle of Belleau Wood, the St. Mihiel salient, and the Argonne Forest.

Q. Were you wounded in any of those battles? A. I was wounded in the last battle in the Argonne Forest.

Q. Where were you wounded? A. I was wounded in the hand.

Q. Just hold up your hand and show it to the jury. Where did the bullet go in? A. The back of my hand and came out there, (indicating) a compound fracture.

Q. Wounded anywhere else? A. In the chest, a machine gun bullet; it went in here and glanced out here (indicating).

Q. When did you come back to America? A. On the 20th day of January, and got discharged the first day of March.

Q. Where were you when the armistice was declared? A. I was in the hospital in Vichy.

Q. Was James A. McKenna your captain? A. He was my captain on the border and my captain in France in "D" Company.

Q. Do you know whether he was an Irishman, of Irish extraction? A. He was Irish-American.

Q. Now, Sergeant, from time to time were you ordered to wear English uniforms? A. Yes, sir.

Q. With the balance of your regiment? A. Well, some of them, sir.

Q. Was it because your uniforms were worn out? A. Yes, sir.

Q. What position did your regiment take in regard to wearing the English uniform? A. We refused to wear them.

Q. Where and when was that? A. That was probably about March or April.

Q. What year? A. 1918.

Q. When you refused to wear the uniforms, they permitted you to replace the old tattered, worn out uniform with the

English uniform, it was at the option of the soldier whether he accepted it or not? A. Yes, sir.

Q. What per cent of the regiment declined? *A. Some of the men in the regiment said they would rather wear the rags they had on than to put on the English uniform.*

Q. In the trenches the soldiers can wear anything they want to wear, can't they? A. Yes, sir.

Q. Any kind of uniform that will make them warm and comfortable without regard to where they were manufactured? A. Yes, sir.

Q. Did that interfere with the morale of the regiment at all, or their fighting qualities? A. No, sir.

Q. I want you to tell the jury whether or not you have ever read before you went with the Expeditionary Forces to France, any of the reported speeches or excerpts from speeches of the defendant, Jeremiah A. O'Leary, published from time to time in the "Gaelic American"? A. Yes, sir.

Q. Did you read them and consider them carefully? A. Yes, sir.

Q. I will ask you to state to the jury whether or not anything you ever read as coming from him produced with you any insubordination or mutinous spirit? *A. No, sir. I heard several times in France men and officers of the regiment speak of O'Leary and the good work he done as a member of the 69th Regiment, and said it was an outrage he should be arrested and hoped he would get out.*

Q. Did you hear the boys in the trenches discuss his arrest? A. Yes.

Q. What did they say about it? A. They hoped he would get out of it; it was an outrage to arrest him.

Q. Did Major McKenna say anything to you or to the other soldiers as to whether or not they could wear the English uniforms or go in rags? A. He said when the English uniforms were issued to his company, "Close up the boxes and do with what we have."

Q. What became of Major McKenna? A. He was killed crossing the Ourcq.

Q. Killed leading the 69th or 165th across the Ourcq? A. Yes.

Q. He was going forward and not backward? A. Yes, sir; leading his men.

Q. Sergeant, do you love England? A. No, sir.

Q. Do you hate England? A. Yes, sir.

Q. Did that interfere in any way with your fighting for your country? A. No, sir.

Q. Are you in favor of Irish freedom? A. Yes, sir.

Q. Have your views on that question changed by the carnage you saw in France? A. I beg your pardon, sir?

Q. Are you just as much in favor of Irish freedom today as when you were following Major McKenna across the Ourcq? A. More in favor of it, sir.

Q. Sergeant, when you joined the 69th Regiment, were you a citizen of the United States? A. No, sir.

Q. You had not been naturalized. Are you a citizen now? A. Well, we were made citizens in France, sir, but at the present time I have no papers to show for it.

Mr. Felder—You may take the witness.

Mr. Osborne—No questions.*

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*Note how the Government refused to cross-examine. This testimony completely shattered the Government's contention that hatred of England was disloyalty to the United States, or, that it could create mutiny.

XVII

BAZAAR WORKERS CONTRADICT GONZALES.

The testimony of the Irish Bazaar workers in contradiction of the Gonzales woman was overwhelming. The perjury committed by this Government witness was amply refuted by Mrs. Brannigan, whose eldest son had been killed in France; Private W. J. B. McLoughlin, Mr. Thomas Lennon, Mrs. D. D. McCarthy, Mrs. McGowan,* Miss McVeigh, Mr. Walsh, Miss Helen Kelly, and Kathleen Kemmey, all of whom heard my speech at 715 Lexington Avenue on the night of July 15, 1917. Prosecutor Osborne strenuously tried to shake the testimony of each witness on cross-examination. His efforts, however, were fruitless because unlike the Government's pet witnesses they had told the truth. Each swore that I had never mentioned conscription in my speech; that I had not said, "We must resist the Draft until death," and that the object of the meeting was not, as Mrs. Gonzales falsely swore, to resist Conscription, but to classify the names of the Irish Relief Bazaar donors, so as to have a permanent record of proven friends of the Irish cause. When Miss Kemmey was on the stand, Mr. Marshall arose evidently angry and desperate, because Gonzales had been so completely discredited and asked Miss Kemmey, "Don't you know that there is a tradition amongst the Irish that no person of Irish blood turns informer?" insinuating that Miss Kemmey was committing perjury. Miss Kemmey sprang to her feet, her face flushed with indignation, and confronting Marshall, replied: "How dare you say such a thing? You are the perjurers and you are no gentleman to say such a thing. You are a Southern bigot." The courtroom was immediately the scene of great excitement. Arthur O'Leary quickly arose, denounced Marshall, and characterized the question as outrageous and as another villainous and bigoted attack on the entire Irish race. Marshall was plainly ashamed of himself and dropped into his chair, while Miss Kemmey continued to direct scornful glances at the volunteer prosecutor. Miss Kemmey was a very refined young woman, a teacher in the public schools, and a member of an excellent family. She was very demure and youthful in appearance, but a valiant woman in fact when unjustly assailed.

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* A daughter of the late O'Donovan Rossa.

Following Miss Kemmey on the stand came Mr. P. J. Gaynor, long prominent in Irish affairs and one of the most active workers at the Bazaar. He ridiculed the Gonzales woman's false testimony. Just before he left the stand I asked him, "Do you know all these young women who have testified about that meeting on Lexington Avenue?" "Yes," he replied. "What is their reputation for truth and veracity?" Marshall objected, but I replied, "You attacked them. You said they were perjurers. We now want to show who the perjurers are." Judge Hand overruled Marshall and Mr. Gaynor replied, "Excellent, These women are above reproach." Miss Mary Brennan and Mrs. Gertrude Corliss contradicted the reporters about what happened at the Friends of Irish Freedom meeting at Sulzer's Harlem River Casino in August, 1917. Both Marshall and Mr. Osborne cross-examined them without any result, save to strengthen their testimony. The cross-examination was severe and of great length, but they came through it strengthened and confirmed. They related an incident at the Public Forum in Brooklyn, where I was scheduled to debate with Cleveland H. Moffett on "Free Speech During War." Moffett failed to appear and the Forum authorities introduced a Hoover food speaker in his stead. This man spent some time praising Mr. Hoover, when a member of the audience interrupted, saying, "Cut out boosting Hoover for President, and talk about food," while the audience cheered. The speaker then said, "We must conserve our foodstuffs, our bread, our wheat, our sugar and meats for—" "America first," shouted a wag, and again the audience cheered. The speaker growing angry, remarked, "You are a disloyal audience." "You lie!" Take that back," "You're an Englishman," roared members of the audience in turn. The witnesses related how I rose from my seat on the platform and addressing the audience, said: "Ladies and Gentlemen: You came here tonight to protest against any interference with free speech. You and the Irish cause have suffered, because Mayor Mitchel has interfered with free speech. Now, you yourselves have shown the same intolerance you charge against others. If you believe in free speech you must give this man a hearing, even though he disagrees with you, even though he has insulted you." This was a telling point with the jury.

John P. Cohalan, Surrogate of New York County, and brother of Daniel F. Cohalan, who was insulted by the President, appeared as a witness for me. He swore that in 1917 I had told him that I was glad my brother, Arthur, had enlisted and that I would have done likewise, had not the condition of my health and family and other responsibilities intervened. He also testified that I was a good American, of splendid professional standing, and that my character and reputation were excellent. The Surrogate was followed by Judge Cornelius Collins, of the Court of Special Sessions, who had known me for fifteen years, and whose testimony was to the same effect as that of his brother jurist. Cross-examining Judge Collins, after his commendation of my character as "a citizen and as a man," Marshall asked, "Don't you know, Judge, that over one hundred and fifty jurors said they were so prejudiced against the defendant, O'Leary, that they could not even give him a fair trial?" Arthur O'Leary jumped to his feet and exclaimed: "I object, your Honor, to that question. If Marshall will tell the jury how the jury panel was selected, and how so many members of the American Protective League were on the panel, I'll let Judge Collins answer." Judge Hand sustained my brother, and advised Judge Collins not to answer, holding the question an improper one.

Soldier after soldier took the stand and swore they hated England and wanted Ireland to be free, but that their affection for Ireland and their hatred of England made them love the United States all the more. Sergeant Duffy, a lad born in Tyrone, Ireland, and in full uniform, when asked by me, "Do you love England?" answered, "No one loves England." Foreman Hunter gave Duffy a black look when this answer came. It is quite evident that Hunter loves England and dislikes any witness who does not. He seems to forget that this evidence should be impersonal with him. I am simply answering the government's contentions that hatred of England is a detriment to the American soldier—and I know of no more effective way than to prove it out of the mouths of men who hate England and yet have done their full duty to the United States.

My wife was the next witness called. The prosecution objected to her testifying and the objection was sustained. No wife can testify for her husband in a criminal case in the United States Court and vice versa, yet the Government could have waived objection. Its insistence upon a technicality was a decided act of weakness.

Next Miss Anna Prendergast took the stand and testified about my accidental meeting with Victorica at the Hofbrau House. She stated it lasted only a few minutes and was open and accompanied by no secrecy. She was not cross-examined.

My mother was the next witness, and in a quiet way related the effects of early incidents, and stories told by her father, an old Irish Nationalist, on my youthful life. While my mother was testifying, the foreman of the jury, Mr. Hunter, of the stock brokerage concern of Hunter & Childs, turned his back to her and his face away from her. This was observed by every one in the courtroom and was the subject of much comment. Hunter also turned his back on Sergeant O'Brien, who was wounded in battle, when he declared that he hated England. Ernest R. Hunter had said he could bury his prejudices, but in other instances just as in these they cropped out every time the defense scored heavily. His conduct shocked the spectators and in my opinion indicated what he would do.

Then Judge Goff took the stand with testimony relating to my good character. The venerable jurist denied emphatically that the Irish in America were disloyal to the United States. He declared that "the Irish immigrant is devoted to

Mrs. Daniel O'Leary, Mother of Jeremiah A. O'Leary.

America before he ever puts foot on the ship which brings him to our shores." His testimony was published widely in the press. Miss Sullivan, floor clerk at the Waldorf-Astoria Hotel, recalled how an Agent of the Department of Justice came to her with my picture and tried to get her to say that she had seen me at the hotel, talking to Victorica.*

Felix McCarron and James Martin, keepers from the Tombs, were called to attest that an Agent of the Department of Justice tried to point out Robinson and myself to a man brought there to identify us in a line-up held September 23, 1918 at the Tombs. The Judge ruled out this testimony against the strenuous objections of the defense.

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* An absolute falsehood.

XVIII

CARTOON AN AMUSING FIASCO.

Sergeant Duffy was followed by another stalwart soldier in uniform, Robert Emmet Buckley, a cousin from Glens Falls, N. Y. The feature of his testimony was his characterization of a cartoon, "Humanity & Co.," upon which the government relied as one to create mutiny, as "a joke." Private Buckley's testimony is very interesting and can be appreciated better by reading it:

By Mr. Jeremiah O'Leary—Q. What is your full name? A. *Robert Emmet Buckley.*

Q. You are named after Robert Emmet, the young Irishman who was executed by the British Government because he loved Ireland? A. Yes, sir.

Q. And your parents named you Robert Emmet because they admired that man? A. Yes, sir.

Q. Were you born in this country? A. Yes, sir.

Q. Are you a cousin of mine, Mr. Buckley? A. Yes, sir.

Q. And have I spent a great many weeks at your home? A. Yes, sir.

Q. And have we spent together a great deal of time? A. Yes, sir.

Q. Were you quite familiar with my ideas about England? A. Yes, sir.

Q. And were you also in sympathy with them? A. Yes, sir.

Q. Are you a drafted man or a volunteer? A. Drafted.

Q. When were you drafted? A. April 4, 1918.

Q. And after you were drafted, were you given military training? A. Four weeks on this side and then I went over.

Q. Four weeks on this side only? A. Five weeks.

Q. Had you ever had any military training before? A. No, sir.

Q. So you were supposed to pick up the rudiments of military work in four or five weeks? A. Yes, sir.

Q. What particular part of the service did you go into in France? A. Machine gun.

Q. What do they call the machine gun section? *A. "The Suicides."*

Q. In other words, the men themselves call their own section "the suicide section"? A. Yes.

Q. Why do they call it that? A. They think it is the most dangerous branch.

Q. In other words, that is a branch where the men expected to meet death? A. Yes, sir.

Q. You had to go out in advance and you had to smash and capture machine gun nests and positions of artillery of the enemy? A. We had to stay there—no retreat.

Q. Were you under fire, Mr. Buckley? A. Yes, sir.

Q. How many times? A. From September 13th to October 15th.

Q. That was when the fiercest fighting at the front went on, was it? A. Yes, sir.

Q. You have some stripes on your arm. What do they indicate? A. One is a service stripe, and the other a wound stripe.

Q. Were you wounded? A. Yes, sir.

Q. Where were you wounded? A. On the left shoulder.

Q. While you were in France your dear father died? A. Yes, sir.

Q. Did you know anything about it until you got home? A. No, sir.

Q. When you walked into the house you found he had been dead and buried? A. Yes, sir.

Q. You were never able to learn about that when you were fighting? A. No, sir.

Q. You were kept absolutely from communication with your family, weren't you? A. I never heard from them until I went to the hospital, and I did not hear after that.

Q. After that you did not hear from them? A. No.

Q. Now, Mr. Buckley, were you trained with the British soldiers before you were sent into the fighting? A. We were with them about six or seven weeks in northern France.

Q. And were you under instructions by British officers? A. Yes, sir.

Q. Before you went to France with your company did you hate England? A. Yes, sir.

Q. After your experiences with them, Mr. Buckley, how did you feel about them? A. Why, a little worse.

Q. You hated them worse? A. Yes, sir.

Q. What was the feeling, Mr. Buckley, of all the American soldiers you associated with about the British after your association with them for a couple of months? Did they love them? A. No, sir.

Q. Now, despite the fact that you hated the British worse when you got over there, did that in any way interfere with your fighting, Mr. Buckley? A. No, sir.

Q. Did you go in and give the best to your country? A. Yes, sir.

Q. After you were taken to the hospital, what, if anything, did you do to get back to the front? A. Well, that was not after I was wounded, because the armistice was signed before I got out of the hospital.

Q. Before that time were you in a hospital? A. I was in a hospital in August.

Q. What did you do to get to the front? A. There were about six of us there; our company had "scabbies"; that comes from dirt on our clothes; we were supposed to stay ten days to get cured, and we were there a week, and a fellow came in from our division and told us our division was going to the front; that was at St. Mihiel; so we were supposed to stay there two weeks, but we were practically well, there were only a few sores on us, and so we put talcum powder on them so that you could not notice them and the doctor let us out.

Q. In other words, you wanted to go sooner than stay there? *A. We did not want to be left behind.*

Q. Where did you fight? What parts of the front? A. The first was in St. Mihiel in September, and from there over to the Argonne.

Q. And the Argonne Forest was where the most terrible fighting of the war occurred? A. Yes, sir.

Q. Were there men killed and wounded all around you? A. Every day.

Q. Were you also a reader of "Bull"? A. Yes, sir.

Q. Did you enjoy it? A. Yes, sir.

Q. Did the reading of it in any way affect your fighting over in France? A. Not in the least.

Q. Did it in any way affect your disposition to join the army when you were drafted? A. No, sir.

Q. Is your division still in France? A. Yes, sir.

Q. You have been sent over because of your wound? A. Yes, sir.

Q. Now, Mr. Buckley, while you were over there at the front did you see terrible sights? A. Why, I guess not any worse than anybody else saw, I guess everybody saw terrible sights.

Q. Well, I want to show you a copy of a picture in "Bull." Here is a picture here, or a cartoon, entitled "Humanity and Company," with an undertaker clapping his hands. I ask you to look at that cartoon, Mr. Buckley. Did you see worse in reality than that at the front, Mr. Buckley? *A. Why, that is a joke compared to what we saw over there.*

Q. Now, the district attorney asked a soldier here if he would not take his gun and run when he saw that picture. Do you know of an American soldier that would take his gun and run if he saw a picture like that?

Mr. Osborne—I never asked that.

Mr. Jeremiah O'Leary—Yes, you did. You said "Wouldn't you take your gun and run?"

Mr. Osborne—No, I did not.

Mr. Jeremiah O'Leary—I will get the record.

Mr. Osborne—All right, get it and you will read it differently too.

Mr. Jeremiah O'Leary—And the soldier answered you too. *They* don't *all* run when they see pictures in this country.

Q. You say that picture is a joke? A. Yes, sir.

Q. Did the sight of the actual conditions you saw, the dead and the wounded, groaning and writhing on the battle fields, hold you boys back? A. Why, after a while we got used to it and did not mind it at all.

Q. A soldier who would be stopped by a picture of that kind would not be worth a straw to his country, would he, Mr. Buckley? A. No, sir.

Q. Will you tell the jury, Mr. Buckley, just under what conditions you fought over there? Tell them some of the things you saw and that you experienced. Tell the jury that, so that they will know just what the real picture is. Go right ahead. A. Well the last night I was there was about seven o'clock. We got orders to go to the front; that was in the Argonne; we marched all night in the rain; we got lost; scouts came out to take us up to our positions. They got lost and we went around in mud and rain all night, and finally about five o'clock we got up to the Aire River. A major came along and ordered us back; it was too light to take our positions. So they ordered us back in the woods, after marching all night in the rain, about three miles back. They told us to go to bed; we unrolled our packs and laid down in the rain and slept about an hour, and an order came from the Colonel that we had to go ahead and take our positions in the daytime. We rolled our packs again and started out and got down to the Aire River. They had just blown up a concrete bridge there, and the engineers threw over a pontoon bridge. They (the Germans) blew that up and another bridge. *So we had to ford the stream.* All along the side of the stream the engineers—there were two or three hundred—lay all alongside of the stream, some of them with planks and boards on their shoulders and some laying in the water with their heads in the water, either dead or wounded. We forded the river and when we got to the other side we went up to a position in the village and laid there for half an hour. While there, there was a company marching along the street, and I think they were all killed with the exception of about thirty of the company.

Q. Were they American soldiers? A. Yes, sir, all Americans, in this section. So we went up back in the village. They sent one platoon of our company—(they usually have a battalion with a regiment), but our company was not with the battalion at the time and we were alone with these troops. We took our position on the left flank, and got set in a shell hole. They were shelling us, and we lost ten of our company there while getting entrenched. So we got set there, and the order came along that we were to go over to the right flank. We went over there and about two o'clock started to advance. The waves were starting every forty paces or so. The first wave got driven back and they sent the second over. The second wave got up half the hill—*I don't know how far they got, because I got mine then—and I went back to the first aid station the best way I could.* Our Lieutenant, Flynn, came in, wounded. He said about all our platoon—all the men—were wounded or gassed. There were about eight hundred ahead of me in the first aid station then. And we laid in the first aid station all day, and that night went down to the field hospital. On the way to the field hospital, there were big banks along the road, and at one place there was an embankment with five men standing up. They were all dead. You would think they were ready to shoot. A shell had exploded there. Some of them were not hit at all, or some got their heads fractured by concussion.

Q. The only point I had in mind was that the actual conditions of fighting were far worse than anybody had in mind? A. Oh, yes, you cannot describe it; you had to see it.

Q. Were you a part of the army that captured the St. Mihiel salient? A. We were there the night of the drive, but we did not go over. We were in reserve behind the artillery. The second day we took up the advance.

Q. Do you know, Mr. Buckley, of a single relative of mine in our family between the years of 21 and 31, the draft years, that has not either volunteered or been drafted or done service in the army? A. No, sir.

Q. What was the name of the first soldier you saw dead in Europe? A. Michael Kennedy.

Q. Were you at the Hotel Worden, Lake George, on the first Sunday in September, Mr. Buckley, when I was on my way to the Adirondacks? A. What year?

Q. 1917. A. Yes.

Q. Did I meet you there accidentally? A. Yes, sir.

Q. Tell the jury about that. A. I was having dinner in the Hotel Worden, Sunday, and after dinner I came out, and just as I stepped out of the dining room into the office the first one I met was Mr. O'Leary and his wife and children. I was surprised to see them. He (the defendant) looked kind of bad and acted kind of nervous, and I asked him what he was doing up there, and he said he was not well and needed a rest, and was on his way to Montreal on an automobile trip.

Q. What was that date in September, about? When was that? The first, second or third of September? A. The first or second, I do not know which.*

Q. You know, Mr. Buckley, don't you, from common talk in Glens Falls, that I was up in the Adirondacks during the whole of September, 1917? A. Yes, sir.

Q. I stopped at your mother's house on my way back and bid her good bye? A. Yes, sir.

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* Victorica had testified that I had met her on one of the alleged occasions at Long Beach in the month of September, 1917. The Government later conceded (when forced by proof) that I had a perfect alibi to that drug dream.

XIX

STEPHEN JOHNSON SCORES HEAVILY.

The next witness was Stephen W. Johnson who made the "soap-box" famous. In a very quiet and impressive manner he told his story. It was a sensation and scored heavily. He related how Madame Victorica in the early part of April and the latter part of July had attended Irish meetings; how the woman obtruded herself upon him, and how, in the latter part of July, 1917, she came to a street meeting at 37th Street and Broadway, New York, while Willard J. Robinson was speaking and asked him who Robinson was? This was in direct contradiction of Victorica who had testified that she had met Robinson in March and again in June. Mr. Johnson's testimony was so extremely important that I have set it forth almost in its entirety:

By Mr. Arthur O'Leary—Q. Mr. Johnson, what is your occupation? A. I am a salesman for the Catholic Art Association, New York.

Q. Where were you born? A. City of Cork, Ireland.

Q. Have you ever attended college? A. Yes.

Q. What college? A. Clongowes Wood, Kildare, Ireland,

Q. What kind of a college is that? A. It is conducted by the Jesuits; one of the principal Catholic colleges in Ireland. It is a private college, conducted by the Jesuit Fathers.

Q. Did you have any prominent fellow students there, or men who afterwards became prominent, whom you knew? A. Yes, there were students from all the prominent Catholic families in Ireland.

Q. Was Major William Redmond one of your fellow students? A. Yes, John Redmond's son was a classmate of mine.

Q. Was Major Redmond killed in the war? A. No; his uncle was. This is John Redmond's son.

Q. Anybody else you care to mention? A. Mr. Louis Howard.

Q. Who is he? A. He is a prominent journalist now; John Redmond's nephew.

Q. What was your course of study there? A. A classical course, a course in modern languages.

Q. Did you ever study American History? A. We studied a lot of it. I took a special course in American history.

Q. At that college were you the honor man in modern languages? A. I was.

Q. Now, Mr. Johnson, you have been interested in what they call the Irish Cause in this country, have you not? A. I have. I was president of the 1776 Branch of the Friends of Irish Freedom.

Q. Were you one of the organizers of the Friends of Irish Freedom? A. Yes, I was appointed organizer by the national body.

Q. Your name has been mentioned here in connection with the Sulzer's Harlem River Park Meeting. Did you preside at that meeting? A. I did.

Q. What part did you take? A. I was chairman of the meeting.

Q. Will you tell us, Mr. Johnson, in your own way, what you remember or recollect of the speakers that night at the meeting at Sulzer's Harlem River Park Casino that was held in August, 1917? A. The meeting was organized for the purpose of keeping the branches of the Friends of Irish Freedom then in existence going through the Summer months, and we intended to have Dr. Patrick McCarton, envoy of the Irish Republic to this country there as the principal speaker of the evening. The meeting was arranged to have a reception to him and to get together the Irish people of New York to receive him publicly. Some of the speakers were Mr. Peter Golden, Mr. Jeremiah A. O'Leary, Mr. John D. Moore, and Mr. Shugrue, Dr. McCarton was to speak also. The meeting was opened by Mr. Shugrue. He introduced me as permanent chairman of the evening. I made some remarks, telling why the meeting was called, the objects of the meeting, after which I introduced Mr. Peter Golden.

He spoke about the situation in Ireland, gave a review of the Sinn Fein movement in Ireland and referred to early Irish history and the long struggle that the Irish waged through different periods and Ireland's different wars with England, from early days down to the present. Then we had a song by an Irish tenor, and Mr. O'Leary was the next speaker. His speech was what I would call a review of the military record of the Irish race in America from the days of the Revolution down to the present day. He referred to the different wars in which Irish Generals took part with great honor, and named many men including Montgomery, Wayne, Sullivan and Barry. He mentioned President Lincoln and referred to him as the great exponent of Democracy, went a bit into the Civil War and referred to the drafted men there *who were willing to fight for America* and yet believed in Irish Independence.

Q. Can you remember with any more particularity the incidents you just referred to in regard to the drafted men who believed in Irish Freedom and were willing to fight for the United States? A. Yes.

Q. Do you remember an incident about the raising of hands or anything of that kind? A. I do. When President Lincoln's name was mentioned, an outburst of applause—very considerable applause—sprung up and went all over the hall. It seemed to surprise the speaker, it seemed to stop him in his remarks, so he turned and looking down at the newspaper men said that five thousand men and women here of the Irish race cheered Lincoln's name for about three or four minutes. Then he looked over the audience and hesitated. He asked how many drafted men were present, and a great number of hands went up. He looked over the audience again and said, "Three hundred men of Irish blood want to see Ireland free." He said to the newspaper men, "Put that down, that three hundred men of Irish blood fighting for the United States want to see old Ireland free." He continued to urge on the people the necessity of supporting America in the war. He also made a remark—as I remember it—that when you were fighting for America you were fighting for Ireland.

Q. At that meeting did Jeremiah O'Leary at any time say in words or in substance as follows, to these drafted men who had raised their hands or to anybody else: "Do you want to help out England before Ireland is free?" And did they answer, "No"? A. He did not.

Q. Or did he say in words or substance or effect to anybody there: "Would you be willing to go over and fight by the side of the British for England?" And did they answer: "No, no." A. He did not.

Q. Did you attend, or were you present at a meeting of the '76 Branch of the Friends of Irish Freedom in October, 1917, at Terrace Garden, in the Assembly Rooms? A. Yes.

Q. Did Jeremiah O'Leary speak there that night? A. He did. I invited him.

Q. Do you remember any particular incident that occurred there in regard to his speech and with regard to something he said to the audience or anything of that kind? Tell us what you remember of the speech. A. The general tenor of the speech that night was: He gave a resumé of how the Constitution of the United States came into being. He referred to the Alien and Sedition Laws that were passed in the time of the Presidency of Adams, how Jefferson opposed these laws by a system of quiet pamphleteering. How he came into the Presidency, and he urged—he almost made what some of the fellows in the hall called a recruiting speech—even those who were not citizens to join the army, to enlist and join. He told them that they must be very careful in all their remarks not to violate any law; and that it was their duty to obey the laws. In his speech he also showed them how they could carry on a campaign for Irish Freedom without violating any of the laws in America, and urged them to continue to do that. He rebuked the audience on account of a song sung there before he spoke, citing it as an opportunity for evilly disposed persons to base a complaint upon it and say we were disloyal.

Q. Do you remember what that song was? A. Yes, I know the song, the words of it. It was a song they used to sing in Ireland when the English were carrying on a very extensive recruiting campaign in Ireland for recruits—a song ridiculing recruiting.

Q. And he stopped the singing of that song? A. Yes, he advised that it be stopped; that it be not sung.

Q. A historical song? A. No, it was a rather comical song, I should call it.

Q. Did any of the people laugh at it? A. Yes.

Q. It excited mirth? A. Yes.

Q. Were you connected, Mr. Johnson, or associated with some street meetings that were held in New York in the summer of 1917, around 37th Street and Broadway? A. I was.

Q. Were you here in court when Mme. Victorica testified? A. Yes.

Q. Had you ever seen her on prior occasions to the time you saw her in court? A. I had.

Q. When did you first see her prior to that occasion? A. At a meeting in Carnegie Hall, the Anniversary Celebration of the Irish Revolution.

Q. Do you remember the date of that meeting? A. It was either April 7th or 8th, 1917.

Q. Did you speak to Mme. Victorica on that occasion or did she speak to you. A. She spoke to me first.

Q. Will you tell us what happened, or the conversations and relate the circumstances.

A. I was standing wearing a badge, the tri-color badge of the Irish Republic in front of the middle passage going in, and received the people as they were going in. A woman came up to me and said there was a lady standing nearby that wanted some information. I asked her what it was and she said it was something about the meeting. I walked over to her and introduced myself and volunteered any information I could give. She said that she knew it was an Irish meeting and wanted to know the aims and objects of it. I told her what the purpose of the meeting was. She seemed anxious to meet the speakers that were to speak that evening and asked me who they were. I named one or two. She asked me if I could arrange for her to meet them. I told her I did not think I could. We said a few passing words. The meeting began shortly afterwards, and I escorted her and her companion in and left them there.

Q. Did you see them again on that occasion? A. Yes; I was standing there after the meeting was over. She said it was a very fine meeting, and then asked me if I could arrange to meet them (the speakers) then. I did not want to have her meet them there, didn't know, didn't want to be bothered, and I told her I didn't think I could.

The Court—Who asked you that?

The Witness—Mme. Victorica.

The Court—In the first place her companion asked you, I understood you to say?

The Witness—Yes, she approached me first.

The Court—And that first conversation was with her companion?

The Witness—Yes. During a part of it she brought me over to Mme. Victorica.

Q. Did you ever see her after that, prior to her appearance, or prior to the time you saw her in court? A. Yes, I saw her at 37th Street and Broadway.

Q. Were there articles in the newspapers about those meetings, and were they written up to considerable extent in the newspapers? A. In August they were.

Q. And attracted a lot of public attention? A. Yes, at that time. Prior to that time they did not attract much attention.

Q. About how big were the crowds that used to be there at night on the occasion of those meetings? A. Around that time when the papers called much attention to them, I should say there were sometimes as high as nine or ten thousand people present.

Q. You say you saw this woman on the occasion of one of those street meetings at night? A. Yes.

Q. Was there a big crowd there that night? A. No; there were about I should say seven or eight hundred people.

Q. What were you doing there that night? A. I was standing outside of a store window, talking to a few people on the sidewalk.

Q. Do you remember any of the speakers that were speaking that night? A. Yes. When I was there, Robinson was the speaker.

Q. Is that the Robinson that has been referred to here in this trial? A. Yes.

Q. Willard J. Robinson? A. Yes; and Mme. Victorica was with this same person she was with at Carnegie Hall, and she approached me and said "good evening—"

Q. What kind of arrangement did they have there for speakers? A. We had a special-made stand to speak from, a raised platform.

Q. About how big was it, and how was it constructed? A. There were four legs to it, made from hollow gas pipe, and then there was a wooden platform made about four feet square and about three feet or four feet from the ground high, and a little railing in front made of hollow gas pipe also.

Q. What happened? A. She asked me if she could speak to me for a while. I said, "yes," and we withdrew to the sidewalk and she asked me why I did not ring her up. I said I forgot all about it. So she said that she wanted to talk to me. I said "all right," or something, and she said "we can't talk here," and suggested that we go somewhere to have a conversation. I let her do the talking and she suggested we go to a restaurant.

Q. Was anything said about speaking? A. Yes; we were standing there; I was listening to the talk for a few minutes and the conversation was kind of intermittent after she had first suggested we go. We were listening to the talk for a minute, listening to the speakers.

Q. Do you remember who was speaking when Mme. Victorica spoke to you? A. Yes; Robinson was speaking.

Q. Was anything said by her or by you in regard to the speaker? *A. She asked me who the speaker was* and I told her.*

Q. Did you say anything? A. I told her his name was Robinson.

Q. Was that the same Robinson that was referred to here, Willard J. Robinson? A. Yes.

Q. Did he have a moustache on? A. No.

Q. Then what happened? A. Why, she suggested that we go to a restaurant, as she wanted to talk to me; so I said, "all right." And she went up the street a bit and talked to a taxicab driver there, and then she came back and said something to the woman she was with and beckoned to me. So we walked up to the taxicab and we got in there, and we drove down to the Hofbrau Haus.

Q. Where is the Hofbrau Haus? A. At 30th Street, off of Broadway.

Q. Is it on Broadway or on a cross street? A. It is on both, but the entrance was on 30th Street where we stopped.

Q. Then what happened? A. We went in and sat down at a table and had something to eat. She talked about Buenos Aires and Ireland, and asked me about the Irish question and what I was doing in it. I told her. *She then told me that what she wanted to talk to me about was a scenario that she wanted to write for somebody in Buenos Aires—some newspaper, some enterprise or newspaper men, who wanted to put out a story in moving pictures—and that she wanted to get acquainted with the Irish leaders, so that she could get different aspects of the Irish question from different men.*

Q. Did she mention any names? A. No, she did not mention any.

Q. Do you remember what Robinson was talking about that night while he was speaking at that street meeting? A. I remember one or two things; I do not remember his whole speech, because we did not get there in the beginning.

Q. Just tell us the trend of his talk, if you can remember it, or as much of it as you can remember? *A. He was talking, while we were standing there—as I recollect—about a trip*

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* Victorica had testified that she had met Robinson prior to this occasion.

that he made to the other side. He was complaining about an American passport that he had, having to be O. K.'d by the British Consul on his way back, and he was trying to show from that—giving that as an example, that American rights at sea were awfully ignored—that England had control of the sea, and was holding up American citizens, and would not recognize American passports, or something to that effect.

Q. I do not know whether we fixed the time of that meeting or not, but what was the time of this meeting about, the street meeting we are discussing? A. You mean the time of the evening?

Q. The time of the year? *A. It was around the middle of July.*

Q. You are sure it was in the middle of July? A. Yes.

Q. 1917? *A. Yes.*

Q. Continue and tell us the conversation between you and Mme. Victorica at the Hofbrau-Haus, where I interrupted you. Did she ask you any question? *A. Yes, she asked me, she wanted to know who the most important men were that were at the head of the Irish movement in this country, and she wanted to meet those men.*

Q. Did you give her any names? A. I gave her names of quite a number of men.

Q. Can you remember any names you gave her? A. Yes; I told her the men I knew at the head of the Friends of Irish Freedom.

Q. Who were they? A. I mentioned Herbert's name.

Q. Who was Herbert? A. Victor Herbert, the National President.

Q. He is the composer? *A. The American composer. And I mentioned O'Leary's name and O'Neil Ryan from St. Louis.*

Q. When you mentioned O'Leary's name, do you remember any comment being made, or did she act as though she knew him? *A. Not at the time, no.*

Q. Did she afterwards? A. Yes; we talked about him afterwards, talked about a few of them in there.

Q. Did you get an impression that this woman knew him or did not know him? *A. The impression that I had was she knew of him; I do not know whether she knew him personally, she knew his name and seemed to know something about him.*

Q. Did she say whether or not she ever met him? A. No; I do not remember.

Q. What other names were mentioned, if you can recollect? A. I told about Father York, who was very prominent in San Francisco.

Q. Was she interested in him? A. Yes, a little bit.

Q. Did she seem to know him? A. No.

Q. Do you remember any other names you mentioned? A. Yes; I mentioned Father Cantwell, in New Jersey.

Q. Who is he? A. He was editor of the "Monitor," a newspaper out there. *I mentioned Ryan, of Buffalo,* and Kelly of New York, and John D. Moore, I may have mentioned others.

Q. Can you remember anything else that was said there during that conversation? A. Why, we talked about the City of Buenos Aires somewhat, and about myself. She asked me where I was born, what kind of work I was doing in the movement, and different personal questions.

Q. Did you notice anything peculiar about her conduct or manner or anything of that kind? A. The thing I noticed about her most was the accent she had.

Q. What kind of an accent did she have? *A. Well, I did not know at the time whether it was Spanish or French; and I asked her the question.*

Q. Did you hear her accent while she was on the witness stand here? A. I did.

Q. Did you notice any difference? *A. I did not think it was the same. I thought she had a much more refined accent here.*

Q. Can you remember anything else about what happened there at the Hofbrau Haus? *A. Yes, she left the table rather suddenly, and came back again after about five minutes and* *rather abruptly said that she was not feeling well and was going home.*

Q. Did she go home or did she leave? A. Yes; we went out and she took a taxicab and said good night on the street there and left.

Q. Was anything said there or at the table about this man Robinson? A. Not very much. We were talking about the street meetings and she said he seemed to be a very forcible speaker *and wanted to know if he was very prominent in the movement, I told her "no,"* and she wanted to know if we spoke often on the street. That was about all, I think.

Q. Are you sure, Mr. Johnson, that when this woman first spoke to you at the street meeting that evening that she wanted to know who Willard J. Robinson was? *A. Yes.*

Q. She did not seem to know who he was? A. No.

Q. During the whole evening, in the course of your conversation with her, did she indicate or show in any way that she knew him or had ever met him? A. No.

Q. Was anything said or done between Mme. Victorica and yourself in regard to getting in touch with you again? *A. Yes; she gave me her telephone number and asked me to ring her up.*

Q. Did she at any time on the occasion of either of those two meetings give you her name? A. Yes. The first time she gave me her name. That was at Carnegie Hall.

Q. What was that name? A. As I understood it, why it was *Mme. Vussiere.*

Q. Did she ever tell you her name was Victorica? A. *No.*

Q. Did she tell you anything about her matrimonial troubles? A. No.

Q. Did she tell you she had engaged Mr. O'Leary as her lawyer in regard to her matrimonial troubles? A. No.

Q. Did you ever know she had engaged Mr. O'Leary as her lawyer in her matrimonial troubles? A. No.

Q. Did she by her speech, manner of conduct or in any way state that she knew Mr. O'Leary or had consulted him in regard to her matrimonial troubles? A. I did not know whether she knew him or not from her conversation.

Q. Did you ever see her again after that, or seek her? A. No, not until in court here.

Q. The next occasion you saw her after that was in court? A. Yes.

On the Witness Stand.

XX

DEFENDANT ON THE STAND.

On Thursday (February 27) a surprise was given to the opposing counsel, and to every one else in the courtroom, including myself, when Mr. Felder, my chief counsel, arose and called me to the stand. About fifty witnesses on my behalf remained uncalled. I insisted upon calling all of them but the case had taken a long time and, importuned to save time, I gave way. Under his questioning I related how "Bull" had been barred from the mails. It developed in the examination that the reason given in the correspondence by Postmaster Patten, of the New York Post Office, was not that "Bull" was creating mutiny and insubordination, or obstructing recruiting, but that "Bull" was not a publication under the law, and that it was not issued regularly. My testimony revealed that it had never skipped a month, was always published on time and that the July and August numbers had actually passed through the mails and had reached the subscribers, all of which greatly surprised the jury. The newspapers admitted next day that I had scored heavily. My testimony on Thursday and on Friday was largely devoted to refutation of Victorica's testimony. I produced the "New York World" of May 10th, 1915, to show that Wiener, a Government witness, was mistaken when he said that the "Lusitania Forum" of the American Truth Society was not suspended during the pendency of diplomatic negotiations. I also testified that I was in the Adirondacks in September, 1917, at the time Victorica alleged that I was at Long Beach in company with John T. Ryan. On Monday, March 3, I resumed the stand, and for a whole day discussed American history; described the development of the Colonies, the causes of the American Revolution, the Revolution itself and the diplomatic history of the country up to and including the period of the Civil War; the War of

1812, the Mexican War and the Civil War, and the relation of each of these conflicts to the national development. I discoursed somewhat upon the "waves of immigration from Europe," and the effect of these upon American ideals and character. I revealed the British propaganda in all the phases of its insidious, dangerous, pernicious, un-American and incessant character and declared that it began operations when the Treaty which recognized America's Independence was signed by Britain's envoys, quoting in support of this statement the assurance of the British Minister to George III. that "America, your Most Gracious Majesty, may yet be yours."

I next showed that in its early stages British propaganda aimed to prevent men of English and Scotch blood from emigrating to America, by circulating viciously false reports in England and Scotland about the American people. I instanced a colloquy between Davus and Geta, staged at Westminster School—an institution attended by the children of the elite of England—in which Americans were held up to scorn and ridicule as "ex-convicts, loafers, descendants of malcontents," and as "immoral, rough, vulgar, brutal and barbarous." I used a book written in 1819 by Robert Walsh, of Philadelphia, an associate of Matthew Carey,* and I used the "Olive Branch," by Carey himself to illustrate the workings of British propaganda in those years closely following the Revolution. I also related facts concerning the Louisiana Purchase, the Florida Purchase and the Lewis and Clark expedition to the northwest, and how the news of these great events was received in England. I quoted Lord Lansdowne's speech in 1828 on England's attitude toward the acquisition of Florida. I referred pointedly to England's aggressions over the Mosquito Tract in Central America, now known as British Honduras, and showed their relation to the Panama Canal question and to the Clayton-Bulwer Treaty. I quoted from speeches made by American Ambassadors in England and British replies thereto, to demonstrate how "Americans in London surrender their birthright, while Englishmen claim it."

I read the Cecil Rhodes will, Carnegie's utterances, Haldane's speech at Montreal, Chamberlain's "wading through blood" speech in 1898, and John Hay's reference to it. My testimony disclosed the propaganda behind the agitation for the Arbitration Treaties and the Hundred Years of Peace Celebration. I showed how the passage of the Alien and Sedition Laws had destroyed the Federal Party and defeated John Adams for the Presidency over a hundred years ago. I pointed out England's attempt to destroy the Union during the Civil War, recalling her ammunition traffic during those dark days; how she built pirate cruisers like the famous "Alabama," the "Florida," the "Georgia," the "Shenandoah" and others which preyed upon our commerce, actually driving it from the seas and destroying to this day the maritime prestige America then held. I also dwelt upon the loans England made to the Confederacy aggregating the enormous sums of $1,100,000,000, a fabulous amount in those days.

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* Irish economist, writer and publisher.

There was no phase of American history that escaped my attention during this part of my testimony. Coming down to the events of the immediate present, I paid my respects to the pro-British and un-American press and expressed what I conceived to be the only just comment any American could make upon the Wilson-Gregory gag law. I contended that long before the United States Senate had grown solicitous over Washington's Farewell Address and its sage counsels of real Americanism, Irishmen in America had been proclaiming those precepts and urged adherence to the only real national policy the United States ever possessed. To the utter consternation of my lawyers and the greater consternation of the government attorneys I declared that "William McAdoo had no legal or constitutional right to sign the name of the American people to checks payable to the order of Great Britain, France, Italy, Russia or any other foreign nation." I further testified that the only way loans of American resources could be lawfully made to foreign powers was by treaty by and with the advice and consent of the Senate, and that I did not believe that the United States was now in any constitutional or legal position to collect these loans amounting to billions of hard earned American dollars, save by treaty or by war. I admitted frankly that I opposed the sending of American soldiers to Europe because George Washington had admonished my country against it and declared that no American President save and except Thomas Woodrow Wilson had ever favored such a radical departure from the most cherished of American traditions.

I denied that I had called President Wilson an autocrat or monarch at the Lexington Avenue meeting as testified to by the Gonzales woman, and asserted that had I done so I would not be afraid to admit it because he had proved himself to be an autocrat in his treatment of Congress. Nor was I opposed to the draft. Had I been opposed to it—by my very nature outspoken as it has always been—I would have left sufficient evidence behind me to ensure my conviction by documents making it altogether unnecessary for the Government to secure the oral testimony of a woman of the character of Gonzales who had brazenly asserted that the Irish Relief Bazaar workers had conspired to resist the draft. Had I been opposed to the draft, I would have spoken out and openly against it, since I fear neither jail nor scaffold when a question of my convictions on any subject is involved. I described my trip West, the state of my health at the time, my arrest and return. I was not permitted to relate the brutal treatment to which I had been subjected while a prisoner at Bellevue Hospital at the hands of officials and agents of the Department of Justice while I was suffering from Spanish Influenza during the epidemic which raged during the pestilential months of October and November, 1918. Letters and documents were produced in the case which proved that I had aided in recruiting. One communication addressed to a yeoman in the navy pointed out proper methods which should be followed in interesting "the youth of our country in the navy."

My direct testimony was concluded on March 13th. Cross-examination was conducted by Assistant United States District Attorney James W. Osborne, Jr. From the beginning of the examination until the end, two and one-half days later, there was not the slightest proof that by request or suggestion, I ever asked for or received any of the "German money" with which my pockets were supposed to be lined, if one were to believe the wild and fantastic stories circulated in the pro-British press during the previous three or four years. On the contrary, it developed that I had sacrificed my time, business, money, health and even my liberty for the very ideals, the very traditions now uppermost in the public mind in the general American reaction to the Smuts-Wilson League of Nations. On Thursday, March 6th, I offered in evidence a check for $1,500, drawn by me to the credit of the American Truth Society, and deposited in the Public Bank of New York. "That's another check I found in my papers to show that I have donated and loaned large amounts of money to the Society," I remarked, as the check was marked in evidence. Before this, other checks, totalling over $3,000, had been produced. I explained that these were not all, mentioning another transaction where I had "paid a poor printer $1,000 for a printing bill, rather than see him lose any money."

I had been unable to compute accurately—because the Government had seized my check stubs and books—the grand total of donations and loans, both to "Bull" and to the American Truth Society. I explained how I had financed a book I had written, entitled, "The Fable of John Bull and Uncle Sam," which cost me $2,000 to publish, and while I had a good and a legitimate opportunity to make a handsome profit on the sale of the book, I had given the Society the profits, which amounted to more than $1,000. The public had been led by the corrupt yellow press to expect tremendous disclosures from this cross-examination, but none came. The only point the Government scored—if it could be called a point—was that when I had testified before the Grand Jury in reference to the Ridder letter, I had expressed an opinion that Ridder wanted Germany to win, while at this trial I reversed that opinion or belief. Mr. Osborne, by his smile of satisfaction, seemed to think that he had scored a great point, but, as a matter of fact, the affair was of little consequence, since I had explained that at the time of my appearance before the Grand Jury, I was angry at Ridder, being under the impression that he had betrayed a confidential communication, and believing that a man "who could do such a thing could also be untrue to his country"; while, knowing now that Ridder swore that he did not betray the communication, I had changed my opinion and no longer believed Ridder capable of desiring his country's defeat. Absolutely nothing was developed by Mr. Osborne tending in any manner or degree to support any of the contentions of the prosecution, or any of the Government theories.

I admitted that I was a friend of John Devoy; that the "Gaelic-American" was a journal which advocated Ireland's freedom; that I knew John T. Ryan; and Willard Robinson; but denied absolutely and unequivocally that to my knowledge John T. Ryan ever met Victorica or Willard Robinson. I agreed that Ryan and myself had probably disappeared at about the same time in May, 1918, but there was no prearranged plan or concert in our doing so. My departure was for the purpose of attending to a law case in Reno, Nevada, and it was not until I arrived at Ogden, Utah, that any thought came into my mind that I should remain away from my trial. The decision then formed to remain away was made because of the Government's persecution of me and my belief that as a result of it I could not get a square deal.

I related the incidents surrounding the Wise letter, the efforts of Mr. Barnes to force this case to trial while I was without a lawyer, and slowly convalescing from an operation for appendicitis; how I had lost over twenty pounds in weight, how my physician had advised me that I should have at least two months to recuperate before undergoing the strain of the trial, and that if I were to be subjected to the ordeal of a longer trial, I should have a longer period for rest and recuperation.

Perhaps the most interesting parts of my examination were the occasions when I offered in evidence the statement Victorica made in my office on April 17, 1917. I had previously called my stenographer who was present and wrote it in short-hand, afterwards transcribing it on the typewriter, after which it had been filed away with the papers in the case. When I returned from the West and went upon the witness stand for John, his lawyer handed me the statement and asked me to look at it for the apparent purpose of offering it in evidence. I took it from his hand and scrutinized it carefully. Instead of returning it to the Court, I put it in my pocket. There was consternation in the courtroom. Col. Felder was indignant, while Mr. Barnes smiled. The Court then admonished me to return it, upon which I declared, "That statement is a confidential communication between attorney and client which the law forbids making public. The Government has Mme. Victorica in its custody. If the Government brings the woman here and in open court she waives her privilege, I'll gladly produce it, because it will vindicate me, but to produce it without her consent would, under the laws of New York, be a crime. I certainly shall not permit this Court to commit a crime, and I know the Court is not going to do it." The Court promptly sustained me. So I put the statement in my purse and kept it on my person until called to testify in my own trial when I pulled it out of the purse where it had been since June 21, 1918, almost a year, and slowly unfolded it to disclose it or to force the prosecution to object to its admission on the ground that it was privileged, upon which my lawyers were ready to subpoena Victorica to Court and place her on the stand and compel her if possible, to waive her privilege and permit me to make the statement public.

This statement, I consider to be the strongest and most convincing proof of the status of Victorica. She came to me as a client and later as a spy. If the British Government undertook to conspire, to "frame up" an Irishman in America, the most likely method it would pursue would be to secure an interview with its victim upon a business pretense. It was a very simple matter for the British to send a woman, a Parisian as Victorica appeared to be, from Kirkwall where neutral ships were compelled to enter, or for that matter to put her on board in a harbor in Norway, where Victorica claimed she took passage, equip her with all necessary papers and send her to America with instructions to lay the foundation for some "Irish plot" which would be exploded by the British at a crucial moment. I was on my guard against just such a plan and therefore, I protected myself well in this instance when this woman introduced by a friend, came to my office first seeking advice and finally employing me in a law case which she never pushed. With this introduction I set forth the statement in full, just as it was written and preserved:

"Marie de Vissieres, of the Hotel Netherlands, 59th St., and 5th Ave., New York City, called at the office of Jeremiah A. O'Leary on April 17th, 1917, at 3 P. M., and made the following statement: She says that on the 4th of September, 1905, she was married to Manuel Victorica in Buenos Aires, Argentina, and she also resided in Santiago, Chile. Following her marriage she lived with her husband for six months, two months of which were spent in Buenos Aires, and the other four months in South Chile. After this time it appears that her husband became insane and was confined in a private insane asylum in Belgrano, which is a suburb of Buenos Aires. It appears that Mrs. Victorica learned afterwards that he had been insane before his marriage. He continued to be confined in this asylum for a period of about five years. It appears that about seven years ago she lost track of him, that is to say he disappeared. The last information that she had of him was that he went to the United States, but she has never been able to get any track of him here. Mrs. Victorica has been in this country about 3½ years. She came here from Buenos Aires and has been living in New York City ever since that time. She has made numerous efforts to get information about the location of her husband but has failed to ascertain his whereabouts. She states that so far as she knows he cannot be located and in her opinion that perhaps he may be dead.

There were no children by their marriage. What she wants is a separation or divorce upon the grounds that he has been missing for 7 years, if this is possible under the laws of the State of New York. She says that during the 3½ years she has been in the City she has resided the greater part of the time at hotels and considers herself a resident of the city. She says that she is not a citizen of the United States, that she has not applied for citizenship papers, but that she intends to maintain her residence in the State of New York. So far as Mrs. Victorica knows, she thinks her husband has friends and relatives at Fort Wayne, Indiana, and in the City of New York, but she has never met any of them. All that she has is her husband's word for it. The last she heard of him was when he was living at the Hotel Phoenix at Palermo, a suburb of Buenos Aires. This was about 8 years ago. She says that she has made inquires during the last 3½ years to see whether or not he went back to Buenos Aires. That one inquiry was answered but that the others were not; that the last inquiry, which was answered, said that they had not heard from him or seen him in Buenos Aires, and that they did not know where he was. She also stated that at the time they separated, a dispute arose about some money that she had given him, an amount exceeding $30,000. She insisted that he should acknowledge his indebtedness for that sum, but he refused to do so. The demand for the acknowledgment was made through her lawyer to his attorney. At the time that the demand was made she considered him sane. She adds that the doctors told her that when he was confined to the insane asylum that it was their opinion that he would never be sane.

Dated, April 17th, 1917.

Another master stroke of the defense was the complete disclosure I made of the British propaganda in the United States. The Government's theory was that my constant attacks upon the British propaganda in "Bull" was merely a subterfuge, that there was no British propaganda in America, that I was fighting a chimera and using it as a veil for a very subtle and insidious agitation by which I hoped to create mutiny in the army and navy. My defense to this very ingenious but ridiculous proposition was to point the British propaganda out of the mouth of one of the chief British propagandists in America. I therefore selected an article—a boasting, I-did-it sort of an article—published in the March, 1918, number of Harper's Magazine, a monthly controlled by the Morgan interests. The article was quite long, but the following brief quotation from it will suffice for my readers:

"Practically since the day war broke out between England and the Central Powers I became responsible for American publicity. I need hardly say that the scope of my department was very extensive and its activities widely ranged. Among the activities was a weekly report to the British Cabinet on the state of American opinion, and constant touch with the permanent correspondents of American newspapers in England. I also frequently arranged for important public men in England to act for us by interviews in American newspapers; and among these distinguished people were Mr. Lloyd George (the present Prime Minister), Viscount Grey, Mr. Balfour, Mr. Bonar Law, the Archbishop of Canterbury, Sir Edward Carson, Lord Robert Cecil, Mr. Walter Runciman (the Lord Chancellor), Mr. Austin Chamberlain, Lord Cromer, Will Crooks, Lord Curzon, Lord Gladstone, Lord Haldane, Mr. Henry James, Mr. John Redmond, Mr. Selfridge, Mr. Zangwill, Mrs. Humphrey Ward, and fully a hundred others.

"Among other things we supplied three hundred and sixty newspapers in the smaller States of the United States with an English newspaper, which gives a weekly review and comment of the affairs of the war. We established connection with the man in the street through cinema pictures of the Army and Navy, as well as through interviews, articles, pamphlets, etc., and by letters in reply to individual American critics, which were printed in the chief newspaper of the State in which they lived, and were copied in newspapers of other and neighboring States. We advised and stimulated many people to write articles; we utilized the friendly services and assistance of confidential friends; we had reports from important Americans constantly, and established associations by personal correspondence, with influential and eminent people of every profession in the United States, beginning with university and college presidents, professors and scientific men, and running through all the ranges of the population. We asked our friends and correspondents to arrange for speeches, debates and lectures by American citizens, but we did not encourage Britishers to go to America and preach the doctrine of entrance into the war. Besides an immense private correspondence with individuals, we had our documents and literature sent to great numbers of public libraries, Y. M. C. A. societies, universities, colleges, historical societies, clubs and newspapers.

"It is hardly necessary to say that the work was one of extreme difficulty and delicacy, but I was fortunate in having a wide acquaintance in the United States and in knowing that a great many people had read my books and were not prejudiced against me. I believed that the American people could not be driven, preached to or chivied into the war, and that when they did enter it would be the result of their own judgment and not the result of exhortation, eloquence and fanatical pressure of Britishers. I believed that the United States would enter the war in her own time, and I say this, with a convinced mind, that, on the whole, it was best that the American commonwealth did not enter the war until that month in 1917 when Germany played her last card of defiance and indirect attack. Perhaps the safest situation that could be imagined actually did arise. The Democratic party in America, which probably would not have supported a Republican President had he declared war, were practically forced by the logic of circumstances to support President Wilson when he declared war, because he had blocked up every avenue of attack."

No German propagandist ever made such a frank, bold admission as this. It astounded the jury and the government, also.

Another bombshell which completely bewildered and discouraged the Government was my letter to John J. Skelling*, dated May 6th, 1917, giving advice upon the best way to secure recruits for the navy. The indictment charged me with obstructing recruiting. In addition to other irrefutable and convincing evidence which disposed of the charge, I sprang this letter, which is self-explanatory:

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* Chief Yeoman, U. S. N.

"May 4th, 1917.

"Mr dear Mr. Skelling:—With reference to the suggestion that I might make a public address on the necessity of our young men making up the present enlisted efficiency in the Navy, I am very much inclined personally to do what I can in my own way to render any service that will be of assistance.

"The question of an efficient Navy is one of preparedness. It is important in time of peace, but it is vital in time of war. Perhaps if some plan could be worked out giving me an opportunity to prepare for it I might be able to do my part in meeting the present emergency.

"Since your object is to interest the young men, those are the men who should be appealed to. The most enlightened of our young men are unquestionably those who are at present either in college or preparing for college. It is easier to reach the enlightened than the working classes by an appeal, in times like these. There are many institutions in Brooklyn, attended by hundreds and thousands of young men, ranging from eighteen to twenty-one years of age, and it would seem a rather simple matter to name a day when these Institutions would send their young men to some suitable hall, and where the question could be discussed.

"At this time it might help a great deal if some old patriotic poem or recitation that breathes of naval tradition could be recited. At the same time, a selected number of sailors could give some setting up exercises and a drill given with a suitable gun. If moving pictures could be produced showing battleships in action, or something of that character, to bring the subject home to the boys in an objective manner, that would help immensely.

"As to the question of enlisting recruits after the exercises and speaking are finished, these details would have to be taken care of by your Committee. Of course I realize that my appearance on a public platform, urging the youth of our Country to fill up the gaps in our Navy would perhaps be of more political importance than of local importance, because there are a great many people in this country who do not understand this war, who feel that we should not be in it, who perhaps are holding back because they do not fully appreciate the tremendous importance that our Navy bears to their security and welfare.

"If this plan is practicable, a thing that would have to be decided by your Committee, I would be pleased to hear from you further.

"Sincerely yours,

"JEREMIAH A. O'LEARY."

When I left the witness stand on Friday, March 7th, I had been under fire from Mr. Osborne from 10.20 a. m. until after 6 p. m.; also all day Thursday and part of Wednesday, and had ocupied the witness stand for six and one-half days in all, including the direct and cross-examination. I was completely exhausted, and had it not been for the prayers of the people, or the help of some unseen power, which gave me strength, I would have collapsed.

XXI

CONCLUSION OF THE TRIAL.

I know of no better description of what happened immediately before and after the trial than the following which was published in the "Gaelic American," of New York:

"On Sunday, March 23, at 6 P. M., after fifty hours deliberation, the jury in the case of Jeremiah A. O'Leary rendered a verdict of not guilty on four of the five counts in the indictment, and disagreed by a vote of nine to three in favor of an acquittal on the fifth count. Adolph Stern, the manager of the "Bull" Publishing Company, indicted with O'Leary as a conspirator with the "Bull" Publishing Company and the American Truth Society, was acquitted. The jury was unanimous that O'Leary's Americanism had not been impeached, and although admonished by the Court that it could go home, it refused to depart, insisting upon meeting the defendant, who was brought into another courtroom while the jury was waiting and where he shook hands with each juror, who assured him that the only point of disagreement was not that his Americanism was in question, but that in the October number of "Bull" he had strongly attacked the Government for interfering with his right of free press and that three of the jurors were of the opinion that these attacks were wilful. Nine, and "The Gaelic American" is informed, at times eleven were of the opinion that he was always within his Constitutional rights. The result was a decisive victory for the defendant. The October number was the mildest of the three numbers of "Bull" which formed the basis of the indictment and therefore one upon which a conviction never could be obtained. The verdict was a shock and a smashing blow to the prosecution. James W. Osborne, Jr., who was in court was plainly disappointed at the outcome. Mr. Osborne, who had fought the case hard and ably, had expected a conviction, or at worst a disagreement upon all counts. When the jury had been polled and the result announced, the prosecutor looked at the defendant, who laughed and said: "Well, Jimmy, they shot the old indictment full of holes, didn't they? There isn't much of it left now." Osborne smiled blandly and said nothing.

"The scene in the courtrom at this sensational ending of a still more sensational trial was dramatic. For two and a half days, while the jury was out, a great crowd of the defendants' friends awaited anxiously the result. As the hours passed the crowd grew larger, until at 11 P. M. the jury was sent by a big bus to the Hotel McAlpin for the night. As the bus waited the crowd also waited and as the jury entered the bus they passed through the waiting crowd which scanned their faces for some indication of how they stood, while the whole jury, save Foreman Hunter, smiled good naturedly as it passed through.

"Each morning at 10 o'clock the crowd was on hand again and waited patiently all day. The days passed slowly. Whenever the jury would file in for instructions the crowd would rush in and jam the courtroom to its capacity, the Marshals being very lenient, permitting the people even to stand in any available space in order to give everybody an opportunity to see and hear. Throughout the trial Marshal McCarthy and Deputies McQuade and Bowler provided for every possible comfort of the crowd. McCarthy's subordinates were both considerate, courteous and respectful, and never at any time during the trial was there any disorder or commotion, while everything which could be done was done by McQuade and Bowler to accommodate those who came to hear the trial. On the other hand, the crowd was always orderly and decorous, and it is doubtful if at any other political trial the spectators conducted themselves with more dignity or restraint than those who packed the courtroom during the eight long and trying weeks of the trial. Not once did Judge Hand rap for order; not once did the situation require it. There were frequent ripples of laughter, but they were always orderly and quick to subside. After the jury was polled Judge Hand thanked the jury for its conscientious consideration of the case, and assured them that he was convinced that they could not agree and that whatever convictions the jurors held were unchangeable and that further deliberation was vain. John J. O'Leary, counsel for the defense thanked the jurors on behalf of the defense and stated that the defense wished to concur with the statements of the Court.

"The defendant then addressed the Court and stated that the conduct of the trial by Judge Hand was eminently fair and that he was proud to enter in the record that the Court in the conduct of the case upheld the best American traditions. Judge Hand thanked the defendant and the defendant. then, addressing the Court said: "I have been in jail nine months and now demand to be released on bail. I have been tried on a bailable offense and held in jail on a non-bailable offense, a thing unprecedented in the history of American justice." But Judge Hand broke in and said: "Mr. O'Leary, this is Sunday. The Court can take no action on Sunday," to which the defendant replied: "Very well, I shall make application later." Judge Hand then left the bench and the defendant was taken to the Marshal's office while the crowd surged around him to congratulate him on the result, following him down the corridor until faced back by the Marshals, who were anxious to get the defendant out of the jam.

"The defendant's family was happy over the result. The defendant embraced his mother and wife, shook hands with his father and brothers, thanked his brothers John and Arthur for their able assistance and devotion to his interests, and congratulated them upon his acquittal, and William J. Daly, his lawyer, upon the success of his legal endeavors for his client. The spectators were happy and laughed and chatted about the corridor and discussed the sudden and surprising result. They lingered about the corridors to get a chance to shake hands with the defendant for three hours, and when the building was cleared they remained outside the Post Office Building to get a glimpse of the defendant, who was waiting with Marshal McCarthy in his private office. In the meantime O'Leary and his wife and members of his family were closeted with the jurors, talking and laughing and discussing the case. O'Leary shook hands with Ernest R. Hunter, the foreman of the jury, who caused the disagreement, and told him that he bore him no malice and accorded him the right to differ with him, even to convict him if he chose. He assured him he was innocent. O'Leary shook hands with all the jurors and insisted that when he was liberated he wanted to meet them again as his guests where he could better express his appreciation of their devotion to America's highest ideals, and also obtain from them the details of their deliberations.

"After 9 o'clock on Sunday O'Leary was taken back to the Tombs in Marshal McCarthy's automobile by the Marshal himself. In the meantime John J. O'Leary and the O'Leary family invited the jurors to the Waldorf-Astoria Hotel, eight of them accepting, where until 2 A. M. the trial was rehearsed and the jurors deliberations discussed. The strongest men for the defense were George E. Hall, a salesman; William L. H. Gallin, a contractor from the Bronx, and James S. Kirk, an electrical engineer; while Bertie J. Kelsey, of Holland Dutch stock, Isidor Sherick, a Hebrew merchant; James W. Harte, a son of a Dublin father and a Wicklow mother; and Albert Plumacher, a German-American, and John J. Hammond, a boat owner from the Bronx, remained strong and steadfast throughout.

"Ernest R. Hunter, of Scotch-English extraction, prevented the final unanimous acquittal. He lined up Elias J. Cabot, James C. Hull and Frank H. Jenke with him, but the three latter agreed to acquit on all counts providing Hunter could be swung, but Hunter remained obdurate and absolutely refused to change his vote.

"Reports on Hunter while the jury was out showed that he had London and Toronto connections, and that early in 1916 he was seen in front of the bulletin boards arguing for England's side of the war. He was for the prosecution from the start, listening intently to the prosecution's perjured evidence, but sneering and turning his back on many of the defendant's witnesses. Everyone in the courtroom knew what Hunter would do. He was not an impartial juror, and he was not enough of a democrat to give weight to the great majority against him. Cabot and Jenke were willing at any time to switch and did so frequently. Hull was also prejudiced, but not so prejudiced that he was not willing to be convinced he was wrong. The attitude of Hunter is curious, since an indicted juror was planted on John J. O'Leary's first jury. By occupation he is a stock broker, of a firm known as Hunter and Childs. Even some of the jurors themselves later said his attitude was strange and that they believed an investigation should be made, one going as far as to say, "Hunter was a plant." The fact that Hunter could not swing the jury; the fact that eight strong men were convinced and turned on Hunter and drove him from one count to another, proves what an impression the defense made and what a miserable spectacle the government made of itself in the name of the American people.

"The outcome of the O'Leary case is a mandate to the gentlemen in Washington to leave the Irish race in America alone; to stop persecution of Irish-Americans; to release them from prison and burn up their indictments. Five of the jurors who stood by O'Leary were Democrats; the four who voted against him on the first ballot were Republicans. This is a strange feature of the case. Were Republicans striving to smash the Democratic Party by convicting a Democrat of a political offense when the war is over? Are the Southerners of the District Attorney's Office of the Southern District of New York working for the Republican Party in New York City? That is what four of the five Democrats, who voted for an acquittal wanted to know. When the verdict was rendered Colonel Thomas B. Felder, counsel for O'Leary, was not in court. The defendant stated he had gone to Washington.

"The summing up in the case, with the Court's charge, took a week. No other case has ever required so much time to sum up. James W. Osborne opened for the prosecution. He reviewed the evidence, pointing out the features of it relied upon by the Government to convict. He spoke of the Ridder letter and read it, sentence by sentence, analyzing it carefully discussing what he believed the letter meant and was intended to mean. Mr. Osborne was never in better form and was never severer in his denunciation, but he was plainly laboring under a serious handicap. The evidence was against him. He called attention repeatedly to exhibits and frequently spoke to the foreman and the foreman listened as though he was a funnel to receive all Mr. Osborne said. Mr. Osborne consumed four hours and was followed by Arthur T. O'Leary for the defense.

"Arthur O'Leary talked for six hours beginning on Monday at 3.30 P. M., and ending Tuesday at 4.45 P. M. It is doubtful if a more able presentation of a case has ever been heard in the Federal Court. He reviewed the evidence, analyzed it carefully, compared the evidence of the prosecution with that of the defense; denounced Madame Gonzales, Aubrey Pettit and Charles A. Martin as perjurers; proved where they had committed perjury, and denounced Dr. Frederick Bischoff as the evil agent who framed the witnesses and instigated the perjury. He denounced the prosecution for failing to call Bischoff to the stand, demanding why? He wanted to know why Bischoff called on Madame Victorica two and three times a week and spent from one to three hours on each visit with her. He denounced the Government for continuing Madame Victorica's drug supply and insisted that it was unprofessional, unlawful and done for the purpose of exercising control over her. Mr. O'Leary compared her contradictory statements on the Bellevue Hospital record with what she told O'Leary in a written statement produced in evidence, and with her testimony. He crucified her as a credible witness, and the Gaelic American is reliably informed that the jury threw out Madame Victorica's testimony. And this is the witness upon whom the Government has relied to hold Irish men and women in jail for over ten months. He paid a great tribute to the witnesses for the defense, the soldiers and the Bazaar workers, and wound up with an eloquent appeal which moved the courtroom to tears. Upon concluding he was warmly congratulated by his associates and by his opponents and the spectators.

"Mr. O'Leary was followed by William J. Daly, counsel for Adolph Stern, who was allowed one hour and thirty minutes. In a quiet judicial way he presented the issues for decision. He quoted the law, the indictment and the evidence. He insisted there was no evidence against Stern, that he was merely a clerk or business manager, and that he had no control over the policy or articles in "Bull." In other words that Stern was not really a defendant, but an exhibit in the case. When Daly had consumed his allotted time the Court offered him another half hour, but Mr. Daly declined and resumed his seat at the counsel table. That Daly's summation was effective is proved by the fact that his client was acquitted.

"Colonel Felder next took up the summate. He consumed four hours on Wednesday, completing his effort by Wednesday night. Colonel Felder was never more effective. His ridicule and satire and humorous jabs at the prosecution had the courtroom and even Judge Hand himself convulsed with laughter. He referred to James W. Osborne, Jr., as "Secundus," and to H. Snowden Marshall as "Primus." There they sit over there, "Primus" and "Secundus." I wonder when "Secundus" visited Victorica on one Sunday afternoon if "Primus" visited Gonzales in Manhattan Avenue?" he asked as the courtroom roared. Mr. Marshall was plainly vexed, while Mr. Osborne, who has a sense of humor, laughed aloud. Colonel Felder touched the high points of the case. He paid a glowing tribute to the Irish in America, and wound up with one of the most eloquent appeals ever heard in any court. He asked the jurors to render their verdict on their 'consciences in the presence of a just God.'

"Colonel Felder was followed by H. Snowden Marshall, who made a very effective and subtle address, extending himself as never before. He played up an attack made by the defendant upon Cardinal Gibbons for his war utterances, entirely overlooking the fact that the defendant had praised the

Pope and had compared Cardinal Gibbons's war utterances with Pope Benedict's peace utterances. Mr. Marshall couldn't understand why O'Leary had given up a $25,000 a year law practice to fight the British Propaganda 'unless he went from one lucrative occupation to another.' Yet the Government did not prove that O'Leary ever profited one cent by his work, but on the contrary the proof was overwhelming that he had contributed large sums of money.

"Mr. Marshall also asserted that the American Truth Society began its operations in April, 1915, when everyone knows it was organized and inaugurated in January, 1912. For innuendo and suggestion utterly without any evidence to support them, Mr. Marshall's address sounded like an editorial in the New York Times, and members of the jury afterwards declared it was so full of bias and prejudice against the defendant that they disregarded it. They declared that Mr. Osborne's summing up was a greater and more convincing effort and that they gave it more weight and consideration than anything Mr. Marshall said, because Mr. Osborne was doing his duty and stuck to the facts, while Marshall—a volunteer to prosecute O'Leary—wandered from the facts into the field of prejudice. On one occasion he tried to influence Catholics in the jury box, holding up Cardinal Gibbons, and on another trying to influence Irishmen on the jury by fulsome praise of the Irish, after attacking them by evidence.

"The jurors also said that the publication of newspaper articles inspired by the Government, through new indictments, hurt the prosecution, because every juror could see clearly that the prosecution was using newspapers to obtain a conviction. One juror remarked how Osborne would ask a witness about an individual and nothing else would be said. And the juror would look at the paper next morning and the paper would tell who the individual was. The juror said, 'the jury was wise, but it didn't work.' Another juror said that every man on the jury was convinced that the defendant, O'Leary, was persecuted because of his telegram to the President, and that 'no jury would ever convict Jeremiah O'Leary of any political offense,' knowing that President Wilson was the appointing power of the Attorney General and in reality the controlling power of the prosecuting attorney. The gossip of the jurors would make very interesting reading, because it shows that there is a very wide gap between the wishes of the Southern Autocracy in the Federal Building, led by Mr. Caffey and ending with Mr. Marshall, and the average citizen of New York. This is no city for Southerners to work off their gratitude to England for England's help to the South during the Civil War or to persecute men of Irish blood because of the fact that they are the descendants of the men who saved the Union, carrying their perfectly just feelings against England because of England's attitude towards that war.

"Neither is it a very good locality for a Democratic President with British predilections to persecute an Irishman for hatred of British imperialism because the only effect of such persecution can be to destroy the Democratic Party in New York City—work the Republican Party is deeply interested in, as proven by the fact that the New York Sun and Tribune played up the O'Leary trial more than other New York papers. The Sun and Tribune are wiser than the Democratic leaders in Washington.

"In the Tombs O'Leary received telegrams and letters from leaders of the Irish movement all over the country; from priests and laymen and from friends. All day Sunday the New York Evening Telegram played up the O'Leary case. 'O'Leary jury still out,' the newsboys shouted through the streets, while the people snapped up copies of the paper to get the latest news on the case. Everywhere the case was discussed and the one thing which was uppermost in all gossip was, 'persecution because of the telegram he sent to Wilson.' And 'Wilson's revenge' was another phrase used. And still another was, 'Mr. Wilson is revengeful, as proven by the Cohalan incident.' 'I never thought President Wilson could do such a thing,' was a way in which disillusioned admirers of the President referred to the case. 'I thought Mr. Wilson was a bigger man,' said other former followers of the President. On Monday morning the New York Tribune was first on the streets with a great black headline screaming 'O'Leary acquitted of conspiracy charge.' The newspaper was snapped up by thousands who were on the streets after midnight. The case was the chief subject of gossip the next day. In the very first column on the front page of the World was the headline, 'Acquit O'Leary on Four of Five Counts.' The New York Sun announced in the centre column of the front page, 'O'Leary Wins Near Acquittal in Long Fight.' The only newspapers to announce a disagreement were the New York American and the Times. Just why the American should agree with the Times is no mystery, since the American is supporting the Administration and does not desire to destroy the Democratic Party in New York. The American suppressed all the revelations of the trial, just as the Times did. The World played up the case as an acquittal for another reason, that is to stop the spread of Socialism and Bolshevism among the Irish, because the stupid prosecution of O'Leary, Ryan, Robinson and the cruel treatment accorded Margaret Sullivan, an Irish girl without influence or friends, has angered the Irish in New York, while the failure of Hearst, Hylan, Smith, or Murphy, the responsible Democratic leaders of New York, to take any action or to stop the demolition of the Democratic Party here by Southern Democrats has sickened and disgusted the rank and file of the party.

"O'Leary spent Monday and Tuesday in the Tombs, and according to the New York Sun of Tuesday morning must stay in the Tombs 'because he has been indicted on a capital offense,' which is unbailable, although everyone knows that all the evidence on the capital offence was offered against him in the Bull case, with the announced result.

"O'Leary's wife was in a state of collapse as the case neared the end. On one occasion she was seen to stagger as she was leaving the courtroom and to fall against the jury rail, gripping it for support. She spent most of the three days of waiting while the jury was out on a couch in another courtroom, surrounded by Miss Ella Morris and Miss Catherine Brady, devoted friends, and Miss Anna Prendergast, of East Broadway, her cousin. O'Leary's two boys, Robert Emmet and Gerald Whalen O'Leary, were constant spectators, both having access to all parts of the Federal Building, running up and down the corridors and in and out of the Marshal's and District Attorney's offices, even fixing the chairs of the jury box. And when the jury was out they went through the motions of lawyers examining witnesses, making speeches and sitting in the witness chair where their father testified for six or seven days. Gertrude—O'Leary's only daughter—was sick during the trial, while Stephen, the youngest child, was also ill. O'Leary's mother bore up with great fortitude, while his father was entertained in Room 319 by friends who told stories which amused him greatly.

"It is doubtful if any trial in the Federal Building ever developed or evidenced so much real sympathy on the part of friends. While the jury was out Surrogate John P. Cohalan, Mrs. Shields, wife of Judge Shields; Senator James Frawley, District Attorney Bohan, Dr. Jennings of Brooklyn, Dr. Gertrude Kelly, Mr. and Mrs. De Liser, Michael O'Reilly, John Gill, Judge John T. Martin, Gertrude Corliss, Mary Brennan, Mary S. Kelly, Margaret Burke, Mrs. Brannigan of McClure's Magazine, Andrew Corbett of the Board of Estimate; Lieutenants Sheehan and Kenneally of the Police Department, and several hundred others waited for the verdict. The attitude of Marshal McCarthy's office, the Marshal himself and his Deputies, McQuade and Bowler, was considerate in every way. The Marshals must preserve order, clear the court and corridors, but in this instance, without doing anything unnecessary, or without discrimination against any other cases, they showed every courtesy—and why not? Practically every sympathizer was a Democrat, not a Socialist nor a Bolshevist, but a Democratic voter, incensed at persecution by a Democratic Administration.

"The representatives of the press were plainly sympathetic with the defense. They said so in conversations. The chief topic was the failure of expected revelations, the utter breakdown of the Government's case, the revelations proved by the defense of perjury, bribery and persecution, and other sensations carefully concealed by the newspapers. O'Leary himself showed no concern. He gave a few exhibition jigs in Room 319; told a few Tombs anecdotes to amuse his friends, took a few "constitutionals" around the corridors with the Marshals, and joked with Mr. Osborne and with friends.

"Every time Mr. Osborne walked into the courtroom he was followed by the crowd in the hall, expecting that a verdict was at hand, until Mr. Osborne would laugh and say, "Nothing doing yet." The crowd was always good-natured, and when the verdict was finally announced it was plainly jubilant, although extremely puzzled why O'Leary should be taken back to jail. A man from out of town, speaking of the rural press, said: "When the case started the papers were full of it, but all of a sudden we didn't get any more news. Something must have happened at the trial and then—silence. I had to hunt up copies of The Gaelic American to find out why." H. Snowden Marshall, referred to by Arthur O'Leary as "the man who volunteered to widow a wife and orphan four small children," did not appear after the Judge's charge. There was not one person in court interested in the prosecution save the "Southern Autocracy," while the people whom the prosecution was supposed to represent were represented by numerous spectators everyone of whom said: "The prosecution of O'Leary is an outrage, a blot on American justice."

One of the jurors said: "I suppose Mr. Wilson is waiting on the other end of the wire in Paris to hear the news. We had that in mind, too, particularly when one of the jurors seemed so anxious to convict."

"During the trial a Republican Congressman was an interested spectator, watching the case from its political angle. In conversation he spoke of an investigation of the Secret Service Fund of $80,000,000 spent under the direct auspices of the President. This is the fund responsible for the perjury of Madame Gonzales, Aubrey Pettit and Witness Martin, the "hull inspector." This is the fund referred to in the testimony of Mrs. Durand, when a representative of the Government told her that the Secret Service was the only Department of the Government which did not have to account for its expenditures and that "it was very liberal with the money with those who helped the Government." The Republican leaders are fencing for a wedge into the Democratic vote and nothing would please or suit them better than an investigation into persecution of the Irish Race in America, since the "Irish vote," so-called, is the backbone of the Democratic Party in the North and East.

"The bright spot of the trial was its conduct by Judge Augustus N. Hand. Hard pressed by both sides, he was frequently in dilemmas unusual in the trial of cases because of the very political character of the case. A man of instinctive impartiality, a born jurist from an old American Revolutionary juristic family, he ruled with the justice of his nature and his decisions were consistent with and symbolic of the finest American traditions. The spectators who attended the trial will never forget his attitude throughout. Several times the defendant personally protested against his rulings, but he adhered to them, only in a few instances changing his rulings, whenever argument and reason justified such a change. What a contrast between Judge Hand and Norbury and Keogh of British Irish fame? What a fine tradition he has created for American justice! What respect for the American bench! On every lip was the comment: "Judge Hand was fair." And when at the conclusion of the trial the defendant paid him a deserved tribute, a murmur of approval was heard throughout the courtroom. The Judge blushed deeply, bowed his head and replied: "I am always glad to hear approval of my fairness from any man."

"Judge Hand and the name of Hand will be long remembered by the Irish in America. In a crisis he protected the fair name of American justice. Where could the Irish turn if the very temple of justice should be used for persecution and perjury? Judge Hand is an independent Democrat but on the bench he proved himself an American of the highest type. He never interfered in the trial and listened to arguments with patience and respect. His charge was eminently fair. In it he never showed by motion, gesture, or facial expression, what his own personal opinions were. The only time he moved his hand was when he admonished the jury to consider the evidence "carefully," and well the jury heeded his warning. The jurors in their comments afterwards praised Judge Hand warmly and said, "Not one juror got any idea of where he stood or what his opinions were, and that was important to us because we were watching him, and if he had shown any bias against the defendant it would have helped O'Leary, because of what O'Leary had said about Judge Mayer's remarks when the case was called before him in March, 1918. Mr. Osborne's attitude was that of a prosecutor throughout. He did his duty. Arthur O'Leary, in his summing up, said: "I honor Mr. Osborne. He is paid to prosecute and he has done his public duty well, but Mr. Marshall I cannot praise, because he has volunteered in the interest of prejudice to widow a wife and orphan four little children."

"Thus closes the first chapter of the O'Leary case—the first Irishman in America to be persecuted because he loved Ireland and her freedom and condemned England for her persecution of Ireland. The British Propaganda failed dismally, as is evident from a filthy editorial which was published in the Brooklyn Standard-Union, headed, "Will England Be Truly Grateful?" and ending with the words, "The disagreement of the jury is not exactly or in terms a vote of thanks for helping the Allied cause." The Brooklyn Standard-Union has been contemptible in its recent upholding of England. It seems to have turned from an American organ since Mr. Berri's death. It was American then. Has England taken over the Standard-Union from the Berri estate? Is English money waiting for the deaths of good American newspaper owners to grab up good American newspapers? It seems strange how American newspapers turn British when the owners die. That's just what happened to the Washington Post.

"From the Tombs O'Leary issued a statement on Tuesday in which he said:

" 'The verdict vindicates not only my Americanism but also the Americanism of American courts of justice. It answers for all time the libel and lie that my motives were material. The persecution of the Administration has left me a poor man, crucified my family, broken up my happy home, and spread my wife and children among relatives and friends, but it has never broken my spirit. I love America more than ever before, and as for the Irish Cause in America, I believe my imprisonment has aided it everywhere, just as the imprisonment of De Valera and the Sinn Feiners has aided it in Ireland.

"I have no bitterness against the prosecution or my prosecutors. I have suffered much, but so have others. I am only an incident in a great cause which through weal or woe shall never die. I thank all my friends. I am proud of their devoted support. The crowded courtroom all during my trial, the crowded corridors, the warm expressions of support I received by letters and telegrams since the verdict, are the best evidences of what kind of hearts the Irish have when the dark clouds of persecution overshadow human life. I would dearly love to have the accounts of the trial published in The Gaelic American printed in pamphlet form and made available for sale throughout the country, because I know thousands of the race and others want them and would buy them at any price. The record of the trial should also be secured. I cannot buy it. It would cost at least $8,000. The Irish Race in America should preserve it. It is a record of revelations of convincing proof that the man of Irish blood who dares to stand up and fight Britain where Britain is sensitive, is not safe in this free country, where once the crack of the British rifle and the boom of the British cannon on our soil made the presence, the lives and liberties of the American freeman unsafe. I want to say a word to the Irish in America. Now is the moment for action. Never before have Ireland's opportunities shone so brightly. No matter what England does, no matter how she struggles here, how she lies and libels, England cannot crush the eternal truths the recent war has illustrated. And never can she convince the American people that the recent war was not one to crush one side and intrench or perpetuate the manifest infamies of the other.

"Ireland must be free. The Irish people have voted it. The Irish in America, if they do their full duty, can compel it. Britain is mighty yet, but mightier than England is the inexorable cry of "Self-Determination," of "the rights of Small Nations," her own shibboleths, with which she induced her bravest and best to fight and die upon every battlefield of the recent war. While her own slogans are lingering in her people's breasts, while the dirt is still fresh on her sons' graves, while her oppressed working classes are now clamoring for liberty, the Irish in America, side by side with Americans of other blood, honest Americans who don't believe in humbug, must go forward for Irish liberty, in vindication of the assertions of Mr. Wilson.

"America is too noble to be stultified by sham and hypocrisy. American blood is too precious to be spilled in defiance of Washington's warnings, for liberty for certain selected nations. The American Declaration of Independence is too much alive in our souls to witness Poland free, but Ireland a slave. Before America gets back to money-making, while her soul is stirred by the valor of her sons, while the people assemble everywhere to acclaim the return of her noble heroes, while the soldier still moves with the spirit of America's generous devotion to human liberty, the Cause of Ireland, always dear to American hearts, must become the cause of America. Until the supercilious Englishman who receives the resolution of the House of Representatives with anger and contempt opens his eyes upon a newer world, purged of tyranny by the determination of the people of the world to be through with war by destroying the cupidity and avarice, the causes of war, the fight for Ireland's freedom must continue. Let the Irish in America visualize the glory of Ireland's Emancipation. Let them behold themselves and their children freed from the stigma of slavery, which in America has held them back, let them contemplate upon the plane to which they shall be elevated amongst Americans when Ireland becomes a Republic. Let the Irish-American financier and business man appreciate how much more profits he will make as American ships move in and out of Irish harbors, loaded with American products for the Irish people and Irish products for the American people and the Irish Cause will become an avalanche which a smouldering England cannot resist.

"The question is: 'Are we Republicans, or Democrats, or jobholders, or money workers, or are we what our soldiers were—*men* who can march into the jaws of death with a holy resolve to win for our country, the United States, the glories it won when at Yorktown Cornwallis sent his sword by another to the man who in darkness and despair could not be swerved from the paths of liberty and justice. These are my thoughts to-day as I ponder upon the opportunities of the future. I have learned what can be gained by fighting, no matter what the cost. I don't want any man or woman to tell me how sorry they are because I am harbored with burglars and murderers. I want them to stand up in their glory; in their strength; on the things which have made the Irish race respected everywhere; which have made it of value to America, of value to England, of value to the world, and on this vantage ground to stand or fall. If the Irish in America resolve to do this only God himself can tell them if they shall succeed. With faith in God, with faith in the inevitable triumph of truth and justice, with scorn for the devil and his Imperial Associates, we can be conscious of only one outcome."

XXII

FREE AT LAST.

On Thursday morning, March 29th, I was released from the Tombs in $10,000 bail, furnished by Mrs. Michael F. O'Rourke, wife of my warm and devoted friend, Major M. F. O'Rourke, of Brooklyn, and by Mrs. John R. Jones, wife of my legal associate for several years. By twelve o'clock, with my wife, my brother, John, Mr. and Mrs. O'Rourke and Mr. and Mrs. Jones, I left the Federal Building a free man, went to my law office for a few minutes and then dined with Surrogate John P. Cohalan and my wife, and brothers, John and Arthur. I then went to Freeport, Long Island, to look over a new home—a little cottage—where ever so humble I can be happy with my wife and children. We agreed on a place, after which I returned to my father's home, where I met my father, mother, brothers and sisters. My little daughter, Gertrude, was waiting for me in an arm chair, waiting for her "Daddy," now almost a year, and her "Daddy," worn and haggard, hugged her until his strength was almost gone. On Friday I left for Philadelphia, where I spent three weeks resting at the home of Mr. and Mrs. Joseph G. McGarrity, on Springfield Avenue, after which I went to Atlantic City, returning to New York on April 25th. Being without a home still—my father's home being crowded—I secured quarters with my cousin, John Downey, proprietor of the Alcazar Hotel, at 43 West 32nd Street, where in seclusion I began the work of compiling and writing this book. Meantime, my wife secured a little cottage at Freeport, Long Island, small but homelike, and while I worked on my book she also worked hard, making the home smile for the day when we shall have happiness and peace.

In the meantime—and before this book went to press—Willard J. Robinson and Paul Fricke had been tried and acquitted, all of which received scant notice in the press, but this book shall send the tidings to all corners of the world. Since my return to New York from Philadelphia, I have made several public appearances, and upon each occasion was warmly and cordially received. Although the people were unacquainted with the revelations herein written, they appeared to have sensed them intuitively. Apparently they are conscious of the fact that an American of Irish blood loves America too much to be disloyal to her principles. The American people, by the action of the jury in my case, have made it clear to the world that during the recent war an American owed no allegiance to any foreign government, and that it is yet as it was in 1776, the proud privilege of the American citizen to look askance upon imperialism and tyranny, whether it is practiced by friend or by foe.

Of the newspaper editorials commenting upon my vindication, I quote my favorite, that written by Dr. Patrick McCarten, Envoy of Ireland to America, also Editor of the "Irish Press," of Philadelphia, a newspaper owned by that sterling American, Joseph G. McGarrity. Under the caption, "O'Leary's Acquittal," the "Press" said in its issue of March 29:

"Fifty-four years ago, John O'Leary, who lived and died a staunch Fenian, wrote in the columns of the *Irish People,* the official organ of the Fenian Brotherhood: 'Not by men who love ease, money, health or even reputation more than country can it be hoped that freedom will be won. Pain, poverty, disease and obloquy have ever been the fate of some of the noblest and purest spirits that have appeared on this earth, and any and all of these must we face if we mean that Ireland should be free.' Jeremiah O'Leary, a worthy scion of the same noble clan, had sacrificed ease, money, health and even reputation in an effort to help Ireland to freedom. He was born in this country and nurtured from childhood on the lofty ideals upon which the great Republic was founded. Because he was true to these ideals at all times and under all circumstances he had to pay the price. Had he been a votary of expediency, he would, like so many others, have taken the rosy path to fame and personal aggrandizement. Not a single one of the enemies

Mr. O'Leary made but in their hearts had to admire his ability and acknowledge that he could if he wished have lived in ease and amassed wealth in his profession. He, however, realized the truths which his namesake, John O'Leary, expounded half a century previously and for the freedom of the land he never saw and the glory of his native country, he turned his back on the flesh-pots and trod the thorny path made sacred by the blood of the martyrs of his race. Every man who attempts any noble act which is not commonplace must run the risk of being misunderstood, and Jeremiah O'Leary was misunderstood by even some of the men and women whose lives were devoted to the same ideals for which he readily made such a sacrifice. The persecution which he has suffered and the final triumph vindicates his character, not only to his friends but even to his foes.

" 'Blessed are they that suffer persecution for justice sake.' Jeremiah O'Leary has suffered persecution for the sake of justice to Ireland, and it is safe to assume that he is happier today than if he had turned away from the sight of wrong and injustice and devoted his talents to the pursuit of wealth and happiness. Were Jeremiah O'Leary born in Ireland and a citizen of the Republic of Ireland his actions would have been easily understood by friend and foe. His birth and citizenship in this country made his task the more difficult, as he was held up to public odium as a traitor to his native country. What he did or attempted to do he did for Ireland. He had nothing to gain personally, but on the contrary everything to lose. Men and newspapers may revile the patriots who went to prison in Ireland, but the public realize that all their acts were inspired by patriotism. To the average man the position of Jeremiah O'Leary was not so clear. Yet he suffered for Ireland in exactly the same sense as Professor De Valera or any other Irish patriot. The only difference was that his activities were confined to American soil, but the aim was identical with that of the patriots in Ireland. If he was inspired by any other motive it was that the land of his birth should be true to the ideals upon which it was founded, and that if it could not claim the glory of aiding Ireland in her noble struggle that the world would not charge the United States with hostility to the freedom of Ireland. We heartily congratulate Mr. O'Leary on his victory in court and salute the nobility of character which brought him thither."

XXIII

ENORMOUS PUBLIC RECEPTION.

On May 25th a great public reception was given me at the Lexington Theatre in New York. A morning paper, known as "the mouthpiece of President Wilson," describes it as follows:—

"Audience Hails O'Leary As Hero.

"Again and Again Rises and Shouts and Cheers 'Martyr' as He Bows and Smiles in Lexington Theatre.

"Hisses and Catcalls Greet Wilson's Name.

"Cabinet Members Denounced by a Speaker as Product of 'the Rebel Confederacy.'

"Jeremiah A. O'Leary sat for three hours on the stage of the Lexington Theatre last night hearing himself praised as a "hero" and a "martyr," smiling and bowing appreciatively to fully 3,500 men and women of Irish birth or extraction, who acclaimed him a "loyal American." O'Leary having been acquitted of conspiracy to obstruct the Draft Law, his admirers tendered the public reception to him in appreciation of his having 'sacrificed much for a noble cause.' The 'cause,' of course, was freedom for Ireland.

"Described as a 'brave friend who was bitterly persecuted,' O'Leary modestly bowed his head when John D. Moore, former State Conservation Commissioner and enthusiastic propagandist for Irish independence, opened the meeting with a glowing tribute to him.

"Moore stirred the audience to cheers when he declared that 'floods of calumny had been poured on Jerry' by what he characterized as the 'pro-British press.' When Moore referred to O'Leary as a man 'passionately American,' who 'loved America and Ireland too,' the audience arose and shouted. The green, yellow and white flag of the Irish republic was waved in all parts of the theatre.

"O'Leary's eyes were trained a greater part of the time on a box in the lower tier where sat his wife and four children—three manly looking little boys and one pretty girl, all of whom waved frantically the flag of the Irish Republic and applauded and shouted as enthusiastically as others in the audience. The men and women in the orchestra and galleries were on their feet again when O'Leary was characterized as a 'grave danger to the English machine which had to be silenced during the war.'

"Hisses and catcalls greeted the occasional mention of President Wilson's name and the names of his Cabinet members. Four were described by Chairman Moore as having been 'born under the Stars and Stripes.' The rest were stigmatized as products of 'the Rebel Confederacy.' Mention of Lloyd George and other Englishmen provoked groans from the audience.

" 'Thank God, it was the truth that set Jeremiah O'Leary free!" exclaimed Mr. Moore. Again the flags of the Irish Republic were flaunted and again O'Leary was obliged to acknowledge the shouted tribute. S. W. Johnson's reading of an editorial from an Irish publication characterizing O'Leary's trial as a 'frame-up by British agents' started another demonstration for O'Leary. When Sergt. Thomas O'Kelly, late of the 165th, sang the 'Wearin' of the Green' there was no outburst until he intoned the words, 'England's Bloody Red.' The hissing that followed lasted nearly a minute.

"Gertrude B. Kelly, President of the Irish Women's Council, said she was grateful for the opportunity afforded to 'touch the hands that smell of the iron bars of the Tombs'—meaning, of course, O'Leary's hands. Peter Golden of the Irish Progressive League declared that the 'felon's cap' was the 'noblest crown an Irishman could wear' in behalf of independence for his or his father's native land. Golden's insistence that President Wilson should quit 'skylarking about Europe' was greeted with laughter and yells of approval. Golden provoked more applause when he called the League of Nations the 'Intrigue of Nations' because it does not recognize Irish Independence.

"'If that League of Nations doesn't recognize the independence of Ireland we are going to spit on it,' declared Golden.

"There were half a dozen other speakers, but the main event of the night was O'Leary's address. In this he paid tribute to the jurors who acquitted him, saying their verdict was a testimonial to the 'incorruptibility' of the American jury system. O'Leary said he 'gloried' in the sacrifice he made for Ireland, said the 'sound principles of Americanism' would triumph over Bolshevism, and added that, in the opinion of some people, his 'persecution' was inspired by the telegram he sent President Wilson during the campaign three years ago.

"O'Leary referred to the Wilson administration as the 'Southern autocracy in Washington' which made a 'mockery of the ideals' for which Americans of Irish extraction laid down their lives during the war. O'Leary declared in so many words that although it was the weight of American lives and money that won the war the British were claiming all the credit."

There are many details of the reception which the journal in question failed to mention, notably the demonstration that greeted the name of Willard J. Robinson, whose trial for treason was just then nearing completion. Robinson was acquitted the following day, May 26th, upon the direction of Judge Learned Hand, before whom he was tried. He was not even called upon to present his defense, so weak and flimsy was the Government's case against him.

Eloquent addresses were made by John D. Moore, the Chairman; Hon. Liam Mellowes, member of the Dail Eireann from Galway and Westmeath; Rev. John H. Dooley, pastor of Corpus Christi Church, and Right Rev. James W. Power, pastor of All Saints, New York, and the following letter from Dr. Patrick McCarten,* was read:

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* Envoy of the Irish Republic.

THE IRISH PRESS
1213-15 Filbert Street
Philadelphia, May 24, 1919.

Dear Dr. Kelly:

I am very sorry I cannot be present at the reception to Jeremiah A. O'Leary to-morrow night. As I told you on the telephone I had promised to speak at four meetings here to-morrow, and have been unable to make other arrangements, as all other speakers who might have been available here have engagements elsewhere. I was particularly anxious to be present, as the people of Ireland are convinced that whatever Mr. O'Leary did or contemplated doing was for the interest of Ireland and the honor of the United States.

Every man who attempts any noble act which is not commonplace must run the risk of being misunderstood, and Jeremiah O'Leary was misunderstood by many Americans. Were he born in Ireland and a citizen of the Republic of Ireland his actions would have been easily understood by friend and foe. Men and newspapers may revile the patriots who went to prison in Ireland but the public realize that all their acts are inspired by patriotism. To the average man the position of Jeremiah O'Leary was not so clear. Yet he suffered for Ireland in exactly the same sense as Professor De Valera or any other Irish patriot. The only difference was that his activities were confined to American soil, but the aim was identical with that of the patriots in Ireland. If he was inspired by any other motive it was that the republic of his birth should be true to the ideals upon which it was founded and that if it could not claim the glory of aiding Ireland in her noble struggle that the world would not charge the United States with hostility to the freedom of Ireland.

The war declarations of President Wilson led us in Ireland to believe that the aims of the United States and Ireland were identical. That is, that the ideals for which American boys freely gave up their lives were the ideals to which Ireland has ever been true. The practical application of those ideals would now mean the recognition of the Republic of Ireland by the

Government of the United States. The presence of those of us who directly represent the people of Ireland would tend to make it plain that we in Ireland understood Mr. O'Leary's motives and believed in his integrity and devotion to his native country. I am very sorry, therefore, that I cannot be with you at the meeting, but wish it every success.

Sincerely yours,
PATRICK MCCARTEN.

The Reception Program follows:

STAR SPANGLED BANNER	Audience
CHAIRMAN'S ADDRESS	Hon. John D. Moore
READING FROM "NATIONALITY"	Mr. S. W. Johnson
ADDRESS	Dr. Gertrude B. Kelly Irish Woman's Council.
ADDRESS	Mr. Peter Golden Irish Progressive League.
ADDRESS	Liam Mellowes Member of Dail Eireann
ADDRESS	Mr. John Gill
ADDRESS	Rev. John H. Dooley Holland Branch, Friends of Irish Freedom.
SONG—"O'Donnell Abu"	George Potter
ADDRESS	Mr. Alfred R. McCann
ADDRESS	Mgr. Jas. W. Power
ADDRESS	Major M. A. Kelly 165th U. S. Infantry.
ADDRESS	Jeremiah A. O'Leary
SOLDIERS' SONG	Audience

Songs—Compliments Irish Musical and Dramatic Club.

The boxholders included:

Carmelite Branch, Friends of Irish Freedom.
Citizens of the Irish Republic.
Columcille Branch, Friends of Irish Freedom.
Commodore Barry Branch, Friends of Irish Freedom.
Cork Men's Association.
Cornelius Colbert Branch, Friends of Irish Freedom.

Emerald Branch, Friends of Irish Freedom.
Green Isle Club.
Harlem Gaelic Society.
Innisfail Branch, Friends of Irish Freedom.
Irish Woman's Council.
Irish Progressive League.
John P. Holland Branch, Friends of Irish Freedom.
Mayo Men's Association.
Padraig Pearse Branch, Gaelic League.
Sarsfield Branch, Friends of Irish Freedom.
Sean McDermott Branch, Friends of Irish Freedom.
Thomas McDonagh Branch, Friends of Irish Freedom.
Thomas Ashe Branch, Friends of Irish Freedom.
Waterford Men's Association.
Offaly Society.

Individuals:
Miss Bowles.
Miss Moire FitzGerald.
Miss Gartland.
Mr. J. Grady.
Mrs. W. Edwards.
Dr. Gertrude B. Kelly.
Mrs. Leahy and Family.
Mr. J. H. Maguire and brother.
Mr. Bernard Murphy.
Mr. George O'Neill.
Mrs. and the Misses Schulte.
Mr. John Gill and family.
Miss Mary Skelly and sister.
Mrs. G. L. Warner.
Mr. and Mrs. Patrick Kenneally.
Mrs. Jeremiah A. O'Leary and family.
Mr. Daniel O'Leary and family.
Mrs. Anastasia Livingstone and family.
Miss Ella Morris and family.
Mr. George E. Hall and jurors.
Mrs. John D. Moore.

Major and Mrs. Michael F. O'Rourke.
Dr. Frank D. Jennings and family.
Miss Anna Prendergast.
Mr. and Mrs. Alfred L. McCann.
Mr. and Mrs. Vincent O. DeLiser.

The Reception Committee comprised: Dr. Gertrude B. Kelly, Chairman; Maj. M. F. O'Rourke, Treasurer; Miss Mary Brennan, Secretary; Mrs. J. C. Hickey, Miss Mary Skelly, Mr. Thomas F. Ryan, Miss B. Skelly, Rev. John H. Dooley, Mrs. Michael F. O'Rourke, Mrs. Joseph Grady, Mr. J. H Maguire, Mr Chas. Mullery, The Misses Gribbon, Mr. Farrell O'Gallagher, Mr. Shanley, Mr. Stephen Johnson, Mr. Martin O'Toole, Miss Margaret Brennan, Mr. Zeigler, Mr. and Mrs. V. O. DeLiser, Mr. Hennessy, The Misses Kelley, Mrs. Moran, The Misses Moran, Miss Helen Kelly, Miss May Sullivan, Mrs. Leahy, Miss Margaret Leahy, Miss Kitty Leahy, Mrs. Warner, Miss Mary McVeigh, Mr. Fred Kenny, Mr. Leo Fearon, Mr. W. McLoughlin, Mr. C. Hicks, Mr. J. O'Hehir, Mr. Jack Ryan, Mrs. Burke, Mr. V. Conlon, Mr. F. Gallagher, Mr. Geo. O'Neill, Mr. L. Dillon, Mr. P. J. Reilly, Miss Morrison, Miss M. Donahue, Mr. G. H. McKenna, Mrs. M. Rice, Mr. M. A. Hastings, Mr. C. Meany, Mr. J. Murphy, Mr. P. Kenneally, Miss Sullivan, Mr. P. McGowan, Mr. M. Cunningham, Mr. Regan, Mr. T. J. Cronin, Mr. Joseph Grady, Mr. R. E. Maguire, Mrs. and the Misses Moran.

Perhaps the most important item on the program was the reading of the article published in "Nationality," by Stephen W. Johnson, regarding the importance of my case to Ireland and America. This article made a profound impression on the audience. "Nationality" is one of the official organs of the Irish Republic. It is edited by Arthur Griffith, the father of Sinn Fein. Its utterance is the voice of Ireland. Speaking of my acquittal, it said in its April number.

"Reports have come to hand of the sensational O'Leary case in New York. It is apparent from the amazing disclosures of perjury that this was a political "frame up" instigated by American hirelings of the British Government.

"Compared with some of the witnesses the notorious Pigott might almost be considered a child in the art of invention. The star witness was an alleged German spy, who was known as the Mystery Lady, "Madame Victorica." According to the American press notices of the trial, startling disclosures were expected from this personage, and it is stated that it was upon information supplied by her that *President De Valera, Arthur Griffith and their companions were arrested last May. It will be recollected that Lloyd George stated at the time that he had evidence of the "German Plot," received from a friendly foreign government, but that no taunts would drag the source from him.* It now appears that the evidence to be given by Victorica was expected to implicate the Sinn Fein leaders, but no such evidence was forthcoming to connect them or anybody else with the celebrated "Plot."

"On cross-examination she confessed herself a liar. * * * This creature, brought up to swear away the lives of Irish-Americans, confessed to being a confirmed drug drunkard for twenty years, and admitted that she was then getting morphine administered to her by the United States Government officials.

"Such was the creature whose evidence was to establish the "German Plot," implicating Irishmen in America and in Ireland in the hallucinations of her drugged brain. The case opened on February 1st, and the collapse of this witness, as well as others, *led to the release of the Irish prisoners in England,* as even the English Government could not use the infamous, tainted testimony of the degraded wretches, Victorica and Gonzales. The latter was produced to implicate our friends in acts of disloyalty to their country, but even the pornographic press of New York could not print her personal record as attested in court.

"The O'Leary case was, like the Pigott case, a monstrous attempt to poison the minds of foreign peoples against Ireland's claim to independence. *It possessed features of extraordinary degradation, unparalleled in the history even of*

Eamonn De Valera, Arrested and Imprisoned in England Upon the Fake German-Irish Plot. Never Charged with any Offense. Escaped from Prison, Selected President of the Provisional Irish Republic. Later Came to America.

English criminal political intrigues. It is not surprising that we hear no more of the German Plot.

"A poor Irish maid, named Margaret Sullivan—a servant of Victorica—has been kept in prison without trial apparently because she would not swear like her mistress. With the fidelity of her race, she refused to become a perjured instrument for the degradation of her people. She deserves to be remembered as a heroine in her constancy, like Anne Devlin."

XIV

MORE PERSECUTION.

On May 26th the Wilson Administration continued its policy of persecution by entering a judgment of $2,700 against me upon my bail forfeiture when I went West. On this judgment the Marshal has made a demand for payment. This was done in the face of my vindication. There is no precedent in the history of American courts for such a spiteful, oppressive act. When the Alien and Sedition Laws resulted in sending Matthew Lyon of Vermont to prison in 1797 for sedition, Congress later voted a vindication of Lyon and restored to him his legal expenses. The Democratic party was created out of popular opposition to the Alien and Sedition Laws, because these violated the inherent right of the American citizen to free speech and free press. The Federal Party was wiped out of American politics forever, because it fostered those oppressive and un-American laws. It must be remembered that Lyon was convicted, fined and actually sentenced to prison. In my case, I was absolutely vindicated upon seven out of eight charges in the indictment, and the jury disagreed eight to four in my favor on the last charge. In other words, I was not convicted as Lyon was; yet in the face of my vindication, the Democratic party, contrary to its traditions in the Lyon case, by its duly authorized representatives in the office of the Attorney General, the Department of Justice in New York, actually entered a judgment against myself and wife for my bail bond and propose to take the little home which shelters my loved ones away from me. How this will result remains to be seen, as this book, long and exhaustive, but interesting and enlightening I hope to my fellow-man, goes to press.

APPENDIX

INCLUDING INDICTMENTS AND OTHER DOCUMENTS OF INTEREST

THE RIDDER LETTER.*

I take pleasure in presenting to my readers the subjoined document which received much attention in the course of my trial, though it was disregarded by the jury, contrary to the expectations of the prosecution and the British-controlled press.

New York, August 9th, 1917.

Mr. Bernard H. Ridder,
President Staats Zeitung,
Spruce and William Sts., City.
My dear Ben:—

Your resignation as trustee of the American Truth Society has been received. I am afraid you have taken the wrong course—a course that will not be approved by your own people. I am sorry that "Bull" *was compelled* to take note of some things you have done. The Thompson apology was terrible, but your action in telling Francis and La Guardia to vote for war was unwarranted. You should have consulted with me about that. My work for both of them entitled me to that at least. However you feel about what has been said, there is only one way you can find justification and that is in that accursed "expediency" and "policy" that makes cowards of us all. Whatever may be said of the matter at least this much must be admitted: I stand where I have always stood—loyal to principles even in the face of war. That is my American heritage, my American right. You who opposed sending ammunition to kill your own flesh and blood certainly cannot now approve of sending men of German blood to finish the work—do you? Of course, you don't, but dare you say so? Was it right to stab the Mayor of Chicago in the back to satisfy the base cravings of the Mayor of New York? Shame on the German-American who attacks (by inference) an American of Scotch-Irish stock for his brave red-blooded Americanism. I resent that. The German-American who would do such a thing deserves censure.

Ben, you will regret this. You are wrong. You are opposing your own best interests. Your strength lies in consistency. Your best Americanism is the inalienable rights you have cast from you and your paper with both hands. Don't worry about the Government suppressing your paper. It would not dare. It couldn't if it would. They who say "it can"; "it will" are alarmists. But if you admit weakness, if you hesitate, if you surrender, why then, of course, you invite suppression. The most valuable part of your paper is its free speech. Surrender that and your paper is gone. You may do it for the sake of your paper but can't you see that your own readers will suppress your paper more effectively than ever the Government could do? What your paper needs is suppression by the Government. As a result of an attack on "Bull" last month, we sold out our issue, had to make an additional run, and now we have been compelled to add 5,000 more copies for the month. "Bull" is now going over, because we are showing the spark you have destroyed. Come out and fight, man. Don't quit. The German Herold is fighting cleverly. It is getting your readers. Everywhere I have heard complaints. "The Staats—ah—it is terrible—it is terrible." This is what they are saying. "The German Herold—ah it is fine—brave." Now, you don't want this. These things should not be said.

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* I also present through the Appendix the indictments actually filed against me—horrible monstrosities of exaggeration and persecution.

We are leading the way for you. The "Masses" is making your fight. See what Judge Hand said. That view will be sustained. Remember what Brutus said to Cassius,—"a friendly eye would never see such faults." That's what you have said to me. Cassius answered, "yes, a flatterer's would not though they be huge as high Olympus." From all over the country we have received approval of the attack on Metz. We have received subscriptions and donations in goodly amounts. I am sorry you have placed yourself in this position. I am sorry for your paper. It will all react after the war. It is not too late to change and I pray Heaven you will do so. I don't care about your resignation, you had to do that. But I do care about your own interests. Ben, those fellows you are catering to, hate you and hate your people and believe me, you will never get anything from them but the displeasure of your own people.

Take heart! Fight! There are greater things now than newspapers. Fight for them and your newspaper will live again greater, stronger than ever before. You never made any mistakes in following my advice. I know you always had the idea I was radical, you told folks that, but Ben, I know how it's going to come out and I tell you as a friend, you are going to lose. There is going to be a terrible awakening from all this business and those who surrendered are going to suffer.

In my coming article I have taken another smash. I had to do it. I simply had to say it. I handed it to Francis and La Guardia and I handed it to you for telling them to vote for war. What a terrible, what a wrong thing that was to do! How you failed to look ahead to consider the future, to see the day when the men who cast that vote would be cursed in heaven and on earth, before God and man.

I am sorry, Ben, but even if you are angry you must remember that I have placed the cause above every personal consideration; that therefore, it has been for the sake of the cause for which I am willing to surrender all—even friends, who should be the last to go—particularly when they are men of German blood. Give me the justification at any time and I will be ready to testify with praise. In the meantime I am going to keep up the policy of attacking German-Americans when they need it. They are their own worst enemies. Strange to say they approve my course. I have the proofs from all over the country. "Bull" never woke up until it struck out. As a newspaper man, doesn't this mean anything to you? Those who laughed at "Bull" at first are now praising it. Gradually they are learning its real purpose and power of its attack. Hearst has bought "Puck" and has imported Raemaekers* as the most effective way of winning back British cable service that apparently he considers of more importance than his German-American readers. If the government bothers us we will gain quicker. If they don't the fight will be harder, but we're going to win it just the same.

The fight for Americanism must go on. I claim the right to attack German-Americans as their fellow citizen. As my fellow citizens, they owe me the duty of insisting upon their rights. By surrendering their rights they encourage oppressive power to take mine away. Is this not true? All rights are more or less relative. A surrender by one citizen affects the rights of all. In Chicago, Horace Brand has been fighting valiantly for free speech and doing effective work. Why don't you start a campaign against the "Tribune." Hit them and hit them hard. They are afraid of the German-American and don't forget it but when you weaken, you encourage their hatred to drive them from one aggression to another. Fight for free press and free speech and above all fight for your German language. Fight the men here and there who are driving it from the schools. Do what the French are doing in Canada. I make these suggestions in all kindliness and in the interest which I have not by any means lost even though I have been *driven to attack by your weakness.* I would be very pleased if from time to time you would call anything to my personal attention which I could use to comment on favorably along the lines I have indicated. If you supply the material you will find me not only ready but eager to help you, but Ben, I can't stand for crawling to Mitchel,* that degenerate Irishman—and I didn't like the Balfour business. It was very, very weak and got you nothing from Mitchel or anybody else.

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* A cartoonist.

If you would follow your friends' advice once in a while and advise with real friends, you would avoid much trouble. That gang you have been friendly with will always keep you in trouble with your best friends. To tell me you have taken a "patriotic stand" is alright for the record, for the censor that reads my mail, but it isn't the way you feel about the situation and when a fellow don't feel that way, he isn't patriotic. Patriotic! I'd go to hell for my country. That's why I am fighting with you now and fighting the British propagandists, but I'd take a gun and shoot myself first before I would fight alongside any British bastards in France, and you can send this to Mr. Gregory with my compliments. They called us "bastards" in 1814 (see London Times) but according to the different breeds of Britishers they have had over there fighting for "snivilization," they must have been crossed by niggers and God knows what not, if Great Britain claims to be the mother of them all. Don't tell me about the patriotic stand of your newspaper when I know that you have adopted your present policy because you figured Germany was going to win the war and you said; "what's the use of getting in trouble with the damn fools over here who think they can change the result?"

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* Mayor of New York.

I say this is not Americanism because it involves a surrender of your private opinions that now should be public opinions. The question in my mind is, my country, my own United States; is it going to be a British colony or a free independent nation? and Ben, I say to you, straight from the shoulder, you and your newspaper are now working hard to make it a British colony, and yourself and myself British slaves.

I wish you would read this letter before your board. Perhaps they are at fault. Even *they* may be wrong. *Their* money does not make them right. It makes many of them base cowards. Cowards are never right. They are losing ground daily and ruining the "Staats-Zeitung" besides destroying the minds of a large number of people who are foolish enough to follow its policy. But, my dear Ben, these very people will be your most bitter enemies when the mask has been torn from their eyes, as soon it will be. Get busy, retrieve yourself. Put a poker in your paper. Don't let Victor frighten you to death. He's a fine fellow but he's scared to death. All he can see are Germans hanging from lamp poles. Tell him not to worry. Put the punch in your editorials. Study "Bull" for American ideas. I have three good minds going over things and every number now will be a popular brief for peace; against sending troops to Europe, against foreign loans, for free speech and a free press and on things that can legally be discussed under the American constitution.

There's no reason why we should fall out because I am more friendly to your cause publicly than you are willing to publicly acknowledge yourself. Our private views agree. My public and your private views are identical. Your public views are wrong. If your public views differ from mine you are a proper subject for criticism in "Bull" and you should be willing to stand for it. Surely you who have stood for so much from a whelp like Mitchel and his gang and yet remain on friendly terms—you are not going to turn away from a friend merely because he has been loyal and devoted to a cause for which you more than he should be willing to make every sacrifice? It is strange how a man can be so friendly with his enemies and so hostile to his friends. Is this going to be the philosophy of the coming peace? Is this a trait of German character? If it is, there will be no lasting peace because the nation with such character is a fit subject to become the dupe of British intrigue.

Yours very truly,
JEREMIAH A. O'LEARY.

LETTER DEMANDING RACE CONVENTION.

Here follows a letter written July 30, 1917, and used by the prosecution against me. It is one demanding a convention of the Irish race in America addressed to James K. McGuire, chairman of the National Executive Committee of the Friends of Irish Freedom. It was read to the jury by Mr. Osborne from the files of the Gaelic American of August 11th, 1917. Following the writing of this letter and its publication a discussion followed in the columns of the Irish American newspapers which resulted in the executive committee meeting at the Murray Hill Hotel, New York City, on August 25th, 1917, and voting to hold a Race Convention for the middle of November, 1917. The convention was never held nor was it ever officially called off. Those entrusted with the duty of calling it did not send out the notices to delegates. This letter is my strongest claim to real Americanism. It states my position clearly and judging the jury as I observed it while the letter was being read the impression created was very favorable to me and more than any other incident in the case resulted in my vindication.

July 30, 1917.

Mr. James K. McGuire,
Chairman, Executive Committee,
Friends of Irish Freedom,
New York City.

My dear Mr. McGuire—Noting the prevalent feeling for another Irish Race Convention, and observing your recent communication in the *Irish World,* and having personally sounded a great many on the subject, I desire to formally register my own personal approval of the suggestion that has been made. I believe that we have waited too long already. We have lost much by delay. If it were not for the Irish in Ireland—for the energetic Sinn Feiners who are out in the highways and byways doing in Ireland the kind of work we should be doing in America, I am very much afraid the Irish Question would be in a very sorry plight. Mr. Wilson is doing very well with the Irish in America. Through the Democratic Party and the power of patronage he is making excellent progress convincing our people, not with reason but with jobs, that they should stand aside and let him settle the Irish and Irish-American question. We, who delay an expression of our opinions are aiding him well.

He has shown what a true Democrat he is by refusing to receive Victor Herbert, one of the most distinguished Americans living, the President of the Friends of Irish Freedom, who visited him for the purpose of presenting a declaration of the Executive Committee on the Irish Question, whilst on the other hand he graciously received that degenerate Anglo-Irishman, T. P. O'Connor, who represents Liverpool in the House of Parliament, a man who could not be elected from any constituency in Ireland.

Of course, whatever the President does, right or wrong, carries tremendous weight with the American people, but no American President can do an injustice to Ireland under the pretense of doing her justice and hold for himself the respect of the Irish people either in Ireland or America.

Mr. James W. Gerard says that if the Irish in America and

Ireland follow the lead of President Wilson that Ireland "will be free." I wish we could make up our minds that this was true. Mr. Wilson has not said or done anything to create any confidence in such a statement. On the contrary, his whole line of public conduct proves conclusively that he does not want for Ireland any more than England is willing to give. In other words, Mr. Wilson has accepted the views of the English aristocracy (Mr. Balfour) on the Irish Question.

There is much false sentiment just now as to what the Irish in America should do. I realize that it is very difficult to convince men of advanced years that the opinions of young men are of any value. The young men do the fighting—the old men do the talking—the young men face the firing squads, they have the enthusiasm and the will to do things but they are "radical"—"visionary," "are without proper balance," etc., etc.

Have the fighting Irish suddenly become conservative? Are they now spending their time casting about for reasons not to do things instead of being on the alert seeking for things to do? Has our cause become so assured that radical utterances may upset it? Has the American Constitution lost its genius so that we are willing to surrender the right of free speech, free press and public assemblage? Has the whole Irish race in America become so sensitive to newspaper criticism that it consults corrupt newspaper editors for their opportunities to demand Ireland's freedom without endangering their peace of mind by editorial assassination? Have the Irish in America surrendered the initiative in the matter of protecting American liberties, to the Goldmans and Berkmans as well as to the brave little women who received sixty days in Washington for proclaiming their cause at the door of the White House? Are the Irish in America going to permit their flesh and blood to be sent to France contrary to Washington's admonition and to every American tradition, repulsive as it is to every instinct of that race, without at least voicing a solemn protest? Those are questions that are running in the minds of the members of the Friends of Irish Freedom and the Irish race in America, as we let the days and weeks roll by, without action.

There are several aspects to the Irish Question. Every man with any perception knows that the present Irish Convention in Ireland was called, not to satisfy the Irish in Ireland, so much as the Irish in America. I quote from a despatch sent to the New York *Times* from Dublin. "England wanted to stand well with America," it said. Yes, England wanted to make it easier for Mr. Wilson to ask the Irish in America to shed their blood ungrudgingly upon the battlefields of Europe. If it is proper for Mr. Wilson to tell England what he thinks should be done on the Irish Question don't you think it is our business more than his to tell England what the Irish in America want. Mr. Wilson is not the "Irish in America." If he presumes to act for them he should consult them. He should heed the petitions that have been sent by the thousands to Washington, to the great public meetings that have been held throughout the country for the past fifty years, to the resolutions that have been sent by the thousands to Washington demanding Ireland's Freedom, but more important still he should make his demands on England ring true to the American Declaration of Independence and American institutions. As Americans it is our duty to make him do it.

As things stand now Admiral Sims at the head of a combined American-British fleet in Irish waters is ready to intercept any military aid that Germany may send to Ireland, any arms and munitions that might be sent into Ireland from other sources, and thus, the United States instead of demanding Ireland's liberty is now using her warships to prevent its accomplishment. Don't you think that we Irish in America should tell our people about this and protest against such a misuse of American warships? Since when has it become the destiny of the American Republic to prevent nations from attaining their freedom? Is this what they call "making the world safe for democracy?"

If the Irish in America are asked to shed their blood in France for whatever England's aristocracy is willing to grant to Ireland, haven't the Irish in America something to say about this bargain? But these questions relate only to Ireland.

How about the questions that relate to the American public?

A great many people imagine that if England grants this or that to Ireland that the Irish in America are going to fall on their faces and adore England for ever and ever, Amen. There are no better Americans in the United States than the members of the Irish race. I doubt if any race amongst the American people can boast of such devotion to American ideals as the Irish have shown throughout the short history of the Republic. They are as willing to die to-day for human liberty as during any part of the past. They love American ideals so that they cannot brook their suppression or misrepresentation. During the past three years they have stood out conspicuously in their defence, and contrary to the impression created by the Anglo-press, they have opposed the policies of Woodrow Wilson not because they sympathized with Germany, but because they were horrified and indignant at the way that Mr. Wilson swept American ideals aside. When our race fought the good fight in 1776 they stood against the British conception of government. When they fought again in 1812 they threw the weight of the race against British imperialism, and again in 1861 they made the most heroic sacrifices to destroy human slavery whilst, as we all know, England followed the very same policy towards the Union that, before this war, the United States adopted against Germany, with the horrible result that like this, that bloody war was prolonged three years. Thus it must be noted that the Irish in America were always against England in every American war they ever engaged in, even the Spanish and Mexican wars where England was intriguing against the United States. Now, every tradition of the race in America, indeed, every tradition of the Republic is upset, and we are asked to fight not to defend the territory of the United States, to which purpose we would give the last drop of our blood, but the Continent of Europe, if you please, to "make the world safe for democracy (England)."

Shall the future history of the American Republic say that the Irish in America submitted to this without protest? Justice Cohalan seemed to think that they should. In fact he said so in so many words, for in a conversation with me he conveyed the impression that it would be unwise and unpatriotic, if you please, to make any protest against such a radical departure from American traditions. Personally, I have always favored what has been called "Universal Military Service." I served ten years of my life where I learned how to defend my country against invasion. I did it because I believed every young American owed his country the duty of knowing how to defend her in case she was attacked, but I say frankly that I did not do that to become a part of Europe's wars or European imperialism. I favor conscription for defense. I believe that conscription for foreign service is national imbecility. No citizen of the American Republic should be dragged from his home by government mandate and sent across three thousand miles of ocean "because France needs help," or "because England needs help" or because a foreign nation is about to be destroyed, particularly when our country is full of Britishers of military age who find it more convenient to grab American dividends than fight and die in the defense of England while the armies of the enemy of their country are but sixty miles away, so close that the thunder of their guns can be heard in the capital of their country. I am worried, too, about Japan, and I am afraid that it would suit Japan's plans only too well, to send the flower of American manhood across three thousand miles of sea, infested with submarines, that may be able at the proper moment to maroon them on foreign soil whilst Japan strikes us from the West.

As an American, therefore, true to myself, my country, its traditions and its interests, I object to the sending of American troops to Europe. I differ strongly with those who believe that a protest by the Irish in America against such a departure from American traditions would be construed as unpatriotic. I am not guided by the diabolical mendacity of the Anglo-press in judging of the rectitude of my own conduct. Is "what the Anglo-press might say" a new censor over Irish-American societies? I am sure that this evil institution will be delighted to know that it has at last succeeded in inducing some of the Irish in America to submit to them their plans for approval. It will puzzle the boys in Ireland who have swept aside the same institution there as a menace to Ireland, to know that it wields potent influence over the conduct of freemen in America.

These things are uppermost to-day in the minds of the race in America. What opportunity shall be given to express them? I can conceive of many different viewpoints taken at an Irish race convention by the men who have been drafted by the Government. If we don't hurry the convention along these men will have duties elsewhere in military camps. Of course, after they have been removed from their homes the scions of the race, some of whom won't suffer by the draft because not one member of their immediate families have been drafted, men, who will be exempt from the draft, will express for the men who cannot attend, views that may be colored by their own disinterest.

A race convention called now will clarify a very much muddled and dangerous situation. It will be for the best interests of our country. Our fellow-citizens are entitled to know how we feel. Congress wants to know. The President, too, is entitled to enlightenment upon it. Men are going around in private conversation and objecting to sending troops to Europe, the men in the Irish organizations are indignant about it—isn't our country entitled to know this? Is it fair to send to France a grumbling, grouchy army of men whose morale has been destroyed because they have never had an opportunity to register a protest against their going there? I believe the Government should know these things. The Government has secret agents working around amongst the people endeavoring to obtain their opinions and feelings—the men charged with the responsibility of this war will appreciate our candor if we speak, openly, what we have been whispering secretly.

I want light shed upon these great questions. I want to hear other members of my race upon them. If it is right to send troops to Europe I want to be set right. I am anxious to serve my country as God gives me the light to see the right. If it is wise, patriotic, and necessary, to send American troops to Europe, I want to know it, the members of our race should know it, so that we can enter into the spirit of the thing with Irish dash, and go to France, fraternize with the British, and die amidst the commingled strains of "The Star-Spangled Banner" and "God Save the King."

Of course, it is hardly necessary to say to you, a man who has been so brave and heroic, so devoted, too, with your time, brains and money, that every citizen of Irish blood in America has the right, under the Constitution, to freely express his opinions on all public questions, and, with his fellow citizens, to assemble in a public gathering for the purpose of petitioning the Government for a redress of his grievances. As the rights of free speech and public assemblage are guaranteed by the Constitution a Race Convention would be amply protected against any lawless effort to disrupt it.

In your letter to the *Irish World* you lay great stress on the importance of outlining in advance the work of the convention. This could be done by the Executive Committee of the Friends of Irish Freedom.

The Convention could consistently handle these propositions:

First—It could protest against the sending of American troops to France, should demand the return of those already there, and demand that the men who have been conscripted should be trained for the defense of the North American Hemisphere.

Second—It could demand that the United States compel England to free Ireland in deference to England's professed cause of the war and the wishes of the Irish people expressed in the overwhelming victories of Sinn Feiners for Parliamentary seats.

Third—It could place the Irish in America on record as favoring peace with absolute freedom for all separate and distinct nationalities.

Fourth—It could protest against any dispositions of American naval or military forces so that they would interfere with any military plans of an Irish Revolutionary party in Ireland.

Fifth—It could protest against any interference on the part of the Government with the constitutional rights of any Irish-American Society or newspaper.

Sixth—It could proclaim the inalienable rights of free speech, free press and the right of the people to assemble peaceably and petition the President and Congress for a redress of their grievances.

Seventh—It could protest against the policy of the President and Congress in ignoring the demands of the Irish in America for the passage of the Mason Resolution demanding the complete Independence of Ireland.

Eighth—It could reserve the right to do any other act and thing consistent with the duties owed by the Irish in America to the United States and Ireland.

In taking up these questions we will incur the enmity of the press, politicians, financiers, pro-British influences, but we shall win the sympathy and support of the great masses of the American people who are gradually becoming aroused to the seriousness of the dilemma in which they now find themselves.

We must look ahead, Mr. McGuire. Future generations will have a much better perspective of the things that many of our good people have been blinded to by their proximity to the events of the present day. The outcome of this war, the sacrifices that have been made, the benefits or evils it will bring to mankind, the effect of it upon American ideals and traditions, the bankruptcy, financial burdens, misery, desolation and distress it will cause, so lost to the public view now, will all be considered at a future day, in judging whether any action we may take now, is right or wrong. That is really the most important thing for us to consider—what will be the judgment of the future? The race in America has never made any mistake in the past—will it make any mistake now in remaining consistent to the traditions of the race in America, or, is it to write itself down as a slave race that, despite its convictions, stood with the President right or wrong.

If I could have been present at the conference at Chicago, held now about two months ago, I would have stood with Mr. Kelly of Pittsfield, in his demand for a Race Convention. A convention was held in March, 1916, and for some reason or other was passed in March, 1917. Why? Have the Irish organizations adopted the custom of some of the German-American organizations of avoiding public gatherings during the war? If it were possible to hold a Race Convention, every month, it should be done. In these days of fast moving events we could consistently hold a race gathering every week.

There seems to be some fear—some bugaboo that somebody will come to the convention and "spoil everything." Well, Mr. McGuire, I hope this convention will be a free convention. We who are struggling for freedom must in our deliberations give every opportunity for freedom of discussion. We must not run this convention so much like a machine. It was all very well for the delegates who came to the last one to sit and listen to the men who were presented to them on the stage. If anybody wants to talk, let him talk. If it is for or against us let us have it. If we are right we should have no fear of contrary opinions that are wrong. It is better—it is healthier—that contrary views should be received. True harmony is not a unison of sounds but a blending of different tones. Likewise, true unity is a harmonizing of different and varying views. If there was ever a time in our history for a full, free and frank expression of opinion—it is now. By all means let us have it.

Trusting that this communication will receive your earnest and immediate attention, I remain with best wishes and warmest personal regards.

Yours very sincerely,
JEREMIAH A. O'LEARY.

CHAPTER I.

THE INDICTMENTS.

Five indictments were actually filed against me. The first was the original "Bull" indictment, filed on November 23, 1917, which contained two counts. This indictment is included in the later indictment filed June 7, 1918, charging me with a conspiracy to obstruct justice. I have therefore refrained from setting forth the original "Bull" indictment in order to avoid repetition.

The second indictment was the second "Bull" accusation called a superseding indictment, which elaborated the written accusation filed November 23d, 1917, so as to charge me with eight counts. It was upon this indictment I was tried, and acquitted of seven of the eight counts, the jury disagreeing eight to four in my favor on the eighth count. This was a virtual acquittal and vindication, since on this count two-thirds of the jury voted and fought for fifty-three hours to acquit me.

The third indictment was the fourth actually filed. This charged me with a capital offense, conspiracy to commit espionage during war. It should be observed that during my trial not one fact was adduced to support the charge. It was to bolster up this infamous indictment that Martin and Pettit were produced. There was no other evidence offered save that of the confirmed drug addict, Victorica. This indictment I have also set forth herein.

A fifth indictment was filed which was a reiteration of all the alleged facts set forth in the fourth indictment charging me with a conspiracy to commit treason, an indictment conceded later by J. Winship Taylor in open court to be without foundation. There is no charge known as a "conspiracy to commit treason," and Judge Julius Mayer so stated in discussing the indictment in court during an argument on the Fricke case. The fifth indictment I have not set forth since it would savor of repetition.

DISTRICT COURT OF THE UNITED STATES OF AMERICA
for the
SOUTHERN DISTRICT OF NEW YORK

At a Stated Term of the District Court of the United States of America for the Southern District of New York, begun and held in the City and County of New York, within and for the District aforesaid, on the first Tuesday in April, in the year of our Lord one thousand nine hundred and eighteen, and continued by adjournment to and including the 7th day of May, in the year of our Lord one thousand nine hundred and eighteen.

Southern District of New York, ss: The Grand Jurors of the United States of America, within and for the District aforesaid, on their oaths present that throughout the period of time from the 6th day of April, 1917, to the day of the finding and presentation of this indictment, the United States has been at war with the Imperial German Government and that continuously from the 15th day of June, 1917, until the 1st day of November, 1917, and when the United States has been at war, as aforesaid, American Truth Society, a corporation duly organized and existing under the laws of the State of New York, Bull Publishing Company, Inc., a corporation duly organized and existing under the laws of the State of New York, Jeremiah A. O'Leary, Adolf Stern and Luther S. Bedford, hereinafter referred to as the defendants, at the Southern District of New York and within the jurisdiction of this Court, unlawfully, wilfully, knowingly and feloniously did conspire together and agree among themselves, and with divers other persons whose names are to the Grand Jurors unknown, *to violate the provisions of Section* 3 *of Title* I *of the Act of Congress approved June* 15, 1917, entitled "An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," that is to say, the said defendants did unlawfully and wilfully conspire together and agree among themselves and with divers other persons whose names are to the Grand Jurors unknown, when the United States was at war with the Imperial German Government, unlawfully and wilfully to *cause,* and *attempt* to *cause insubordination, disloyalty, mutiny* and *refusal* of duty in the *military* and *naval forces* of the United States, by *urging, inducing, persuading, encouraging* and *soliciting members* of the *military* and *naval forces* of the United States, and *persons liable to service therein under* the *provisions* of the *Act* of *Congress, approved* May 18, 1917, entitled, "An Act to authorize the President to increase temporarily the Military Establishment of the United States," and the Regulations duly made and promulgated in pursuance thereof when such persons shall be inducted into the military service to *disobey* the *lawful commands* and *orders* of *their lawful superiors,* and to be *unfaithful* to the *Government* of the United States and to the commands and orders of their lawful superiors, and to *rise* and *rebel against* the *lawful* and duly *constituted authorities* of the military and naval forces aforesaid, and to *reject* and *refuse* to *perform* the *duties lawfully imposed upon them by the Government* of the United States, its military and naval officers and its officials, to the injury of the service and of the United States, and it was a part of said conspiracy that the said defendants would attempt to effectuate and accomplish the aforesaid evil, wilful, unlawful, and felonious designs and purposes through and by *means* of *public speeches, private solicitation* and the *publication, distribution* and *sale* in the *City, State* and *Southern District* of New York of a certain *monthly magazine* called *"Bull"* and the circulation and distribution of the same throughout the said City, State and Southern District of New York and throughout the United States, said magazine *"Bull"* being *designed* to be and *being* *published, distributed and* sold by the defendant *Bull Publishing Company, Inc.* under the *direction, supervision and control* of the defendants *American Truth Society, Jeremiah A. O'Leary, Adolf Stern* and *Luther S. Bedford,* and being designed to contain and containing *articles, cartoons* and *poems calculated, intended* and of a character to create and promote *insubordination, disloyalty, mutiny and refusal* of duty as hereinabove described among the persons belonging to the military and naval forces of the United States and among those liable to service therein as aforesaid pursuant to the provisions of the Act of Congress, approved May 18, 1917, and the Regulations duly made and promulgated in pursuance thereof.

OVERT ACTS

And to effect the object of said conspiracy, in the Southern District of New York and within the jurisdiction of this Court, the defendant, Bull Publishing Company, Inc., on or about June 27, 1917, did cause to be delivered to the printer, Isaac Goldman Company, copy for the August 1917 issue of "Bull," the aforesaid magazine.

And further to effect the object of said conspiracy, in the Southern District of New York and within the jurisdiction of this Court, the defendant, Jeremiah A. O'Leary, between June 15, 1917 and July 9, 1917, did write and cause to be published in the August 1917 issue of "Bull" an article entitled, "The Progress of the War."

And further to effect the object of said conspiracy, in the Southern District of New York and within the jurisdiction of this Court, the defendant, Jeremiah A. O'Leary, on or about August 9, 1917, did write a letter to one Bernard H. Ridder, President of the "Staats Zeitung," a newspaper published in the City of New York.

And further to effect the object of said conspiracy, in the Southern District of New York and within the jurisdiction of this Court, the defendant, Adolf Stern, continuously between June 15, 1917 and November 9, 1917, acted as business manager of the defendant Bull Publishing Company, Inc., and on August 7, 1917 he wrote a letter to Isaac Goldman Company ordering 24,000 copies of the September issue of the aforesaid "Bull" and specifying deliveries thereof.

And further to effect the object of said conspiracy, in the Southern District of New York and within the jurisdiction of this Court, the defendant, Luther S. Bedford, continuously between, on or about July 1, 1917 and September 1, 1917, acted as managing editor of said magazine "Bull" and procured to be drawn by James Wright a cartoon entitled "The Bull's Eye," which cartoon was later published in the October issue of "Bull," the magazine aforesaid.

Against the peace of the United States and their dignity, and contrary to the form of the Statute of the United States in such case made and provided. (Act approved June 15, 1917, Title I, Section 4).

SECOND COUNT

And the Grand Jurors aforesaid, on their oaths aforesaid, do further present that throughout the period of time from the 6th day of April, 1917, to the day of the finding and presentation of this indictment, the United States has been at war with the Imperial German Government and that continuously since the 15th day of June, 1917, and while the United States has been at war, as aforesaid, American Truth Society, a corporation duly organized and existing under the laws of the State of New York, Bull Publishing Company, Inc., a corporation duly organized and existing under the laws of the State of New York, Jeremiah A. O'Leary, Adolf Stern and Luther S. Bedford, hereinafter referred to as the defendants, at the Southern District of New York and within the jurisdiction of this Court, unlawfully, wilfully, knowingly and feloniously *did conspire together and agree among themselves, and with divers other persons whose names are to the Grand Jurors unknown, to violate the provisions of Section* 3 *of Title* I *of the Act of Congress, approved June* 15, 1917, *entitled*

"An Act To punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," that is to say, the said defendants did unlawfully and wilfully conspire together and agree among themselves, and with divers other persons whose names are to the Grand Jurors unknown, when the United States was at war with the Imperial German Government, unlawfully and wilfully to obstruct the recruiting and enlistment service of the United States to the injury of the service and of the United States, by impeding, hindering and retarding the increase of the Military Establishment of the United States, and it was a part of said conspiracy that the defendants would attempt to effectuate and accomplish the aforesaid evil, wilful, unlawful and felonious designs and purposes through and by means of public speeches, private solicitation and the publication, distribution and sale in the City, State and Southern District of New York, of a certain monthly magazine called "Bull," and the circulation and distribution of the same throughout the said City, State and Southern district of New York and throughout the United States among persons whose names are to the Grand Jurors unknown, but who may be and are described by the Grand Jurors as persons in part liable to service in the military forces of the United States under the provisions of the Act of Congress approved May 18th, 1917 entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States" and the Regulations duly made and promulgated in pursuance thereof, and in other part available and eligible for enlistment and recruiting in the military forces of the United States, said magazine "Bull" being designed to contain and containing articles, poems, cartoons and pictures calculated, intended and of a character to induce, encourage, persuade and solicit persons liable to service in the military forces of the United States as aforesaid, to refuse to submit to registration and draft for service in the said military forces of the United States and to induce, encourage, persuade and solicit persons available and eligible for enlistment and recruiting in said military forces to fail and to refuse to enlist for service therein.

OVERT ACTS.

And to effect the object of said conspiracy, in the Southern District of New York and within the jurisdiction of this Court, the defendant, Bull Publishing Company, Inc., on or about June 27, 1917, did cause to be delivered to the printer, Isaac Goldman Company, copy for the August 1917 issue of "Bull," the aforesaid magazine.

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Against the peace of the United States and their dignity and contrary to the form of the Statute of the United States in such case made and provided. (Act approved June 15, 1917, Title I, Section 4).

THIRD COUNT

And the Grand Jurors aforesaid on their oaths aforesaid, do further present that throughout the period of time from the 6th day of April 1917, to the date of the finding and presentation of this indictment, the United States has been at war with the Imperial German Government, and between the 15th day of June, 1917, and the 1st day of November, 1917, and while the Uunited States has been at war as aforesaid, American Truth Society, a corporation duly organized and existing under the laws of the State of New York, Bull Publishing Company, Inc., a corporation duly organized and existing under the laws of the State of New York, Jeremiah A. O'Leary, Adolf Stern and Luther S. Bedford, hereinafter referred to as the defendants, at the Southern District of New York and within the jurisdiction of this Court, unlawfully, *wilfully, knowingly* and *feloniously* attempted to cause insubordination, disloyalty, mutiny and refusal of duty in the military and naval forces of the United States, to the injury of the service and of the United States, in that they did *urge, persuade, encourage* and *solicit* members of the military and naval forces of the United States and persons liable to service therein, under the provisions of the Act of Congress *approved May* 18, 1917, *entitled* "An Act to authorize the President to increase temporarily the Military Establishment of the United States," and the Regulations duly made and promulgated in pursuance thereof, when said persons should be inducted into said service to disobey the lawful commands and orders of their lawful superiors and to be unfaithful to the Government of the United States and to the commands and orders of their lawful superiors, and to rise and rebel against the lawful and duly constituted authorities of the military and naval forces aforesaid, and to reject and refuse to perform the duties imposed upon them by the Government of the United States, its military and naval officers and its officials, to the injury of the service and of the United States, through and by means of the publication, distribution and sale in the City, State and Southern District of New York of the August 1917 issue of a certain magazine called "Bull" and the circulation and distribution of the same throughout the said City, State and Southern District of New York and throughout the United States; said issue of said magazine "Bull" being published, distributed and sold by the defendant, Bull Publishing Company, Inc., under the direction, supervision and control of the defendants, American Truth Society, Jeremiah A. O'Leary, Adolf Stern and Luther S. Bedford, and containing articles, cartoons and poems calculated, intended and of a character to create and promote insubordination, disloyalty, mutiny and refusal of duty as hereinbefore described, among the persons belonging to the military and naval forces of the United States and among those liable to service therein as aforesaid, pursuant to the provisions of the Act of Congress approved May 18, 1917, and the Regulations duly made and promulgated in pursuance thereof; *a copy of the said August* 1917 *issue of said magazine "Bull" is hereto annexed and made a part hereof and marked Exhibit "A," said articles, cartoons and poems being too lengthy to be herein set forth fully and at length,* against the peace of the United States and their dignity, and contrary to the form of the Statute of the United States in such case made and provided. (Act approved June 15, 1917, Title I, Section 3).

FOURTH COUNT

And the Grand Jurors aforesaid on their oaths aforesaid do further present that throughout the period of time from the 6th day of April, 1917, to the date of the finding and presentation of this indictment, the United States has been at war with the Imperial German Government and between the 15th day of June, 1917, and the 1st day of November, 1917, while the United States has been at war as aforesaid, American Truth Society, a corporation duly organized and existing under the laws of the State of New York, Bull Publishing Company, Inc., a corporation duly organized and existing under the laws of the State of New York, Jeremiah A. O'Leary, Adolf Stern and Luther S. Bedford, hereinafter referred to as the defendants, at the Southern District of New York and within the jurisdiction of this Court, unlawfully, wilfully, knowingly and feloniously did obstruct the recruiting and enlistment service of the United States, to the injury of the service of the United States, in that they impeded, hindered and retarded the increase of the Military Establishment of the United States, through and by means of the publication, distribution and sale in the City, State and Southern District of New York of the August 1917 issue of a certain monthly magazine called "Bull'" and the circulation and distribution of the same throughout the said City, State and Southern District of New York, and throughout the United States among persons whose names are to the Grand Jurors unknown, but who may be and are described by the Grand Jurors as persons in part liable to service in the military forces of the United States under the provisions of the Act of Congress approved May 18, 1917, entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," and the Regulations duly made and promulgated in pursuance thereof and in other part available and eligible for enlistment and recruiting in the military forces of the United States; said August 1917 issue of said magazine "Bull" containing articles, poems, cartoons and pictures calculated, intended and of a character to induce, encourage, persuade and solicit persons liable to service in the military forces of the United States as aforesaid, to refuse to submit to registration and draft for service in the military forces of the United States and to induce, encourage, persuade and solicit persons available and eligible for enlistment and recruiting in said military forces, to fail and refuse to enlist for service therein; a copy of the said August 1917 issue of said magazine "Bull" is hereto annexed and made a part hereof and marked Exhibit "A," said articles, cartoons and poems being too lengthy to be herein set forth fully and at length; against the peace of the United States and their dignity and contrary to the form of the Statute of the United States in such case made and provided. (Act approved June 15, 1917, Title I, Section 3.)

FIFTH COUNT

And the Grand Jurors aforesaid on their oaths aforesaid, do further present that throughout the period of time from the 6th day of April, 1917, to the date of the finding and presentation of this indictment, the United States has been at war with the Imperial German Government, and between the 15th day of June, 1917, and the 1st day of November, 1917, and while the United States has been at war as aforesaid, American Truth Society, a corporation duly organized and existing under the laws of the State of New York, Bull Publishing Company, Inc., a corporation duly organized and existing under the laws of the State of New York, Jeremiah A. O'Leary, Adolf Stern and Luther S. Bedford, hereinafter referred to as the defendants, at the Southern District of New York and within the jurisdiction of this Court, unlawfully, wilfully, knowingly and feloniously attempted to cause insubordination, disloyalty, mutiny and refusal of duty in the military and naval forces of the United States, to the injury of the service and of the United States, in that they did urge, persuade, encourage and solicit members of the military and naval forces of the United States and persons liable to service therein, under the provisions of the Act of Congress approved May 18, 1917, entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," and the Regulations duly made and promulgated in pursuance thereof, when said persons should be inducted into said service to disobey the lawful commands and orders of their lawful superiors and to be unfaithful to the Government of the United States and to the commands and orders of their lawful superiors, and to rise and rebel against the lawful and duly constituted authorities of the military and naval forces aforesaid, and to reject and refuse to perform the duties imposed upon them by the Government of the United States, its military and naval officers and its officials, to the injury of the service and of the United States, through and by means of the publication, distribution and sale in the City, State and Southern District of New York of the September 1917 issue of a certain monthly magazine called "Bull" and the circulation and distribution of the same throughout the said City, State and Southern District of New York and throughout the United States; said issue of said magazine "Bull" being published, distributed and sold by the defendant, Bull Publishing Company, Inc., under the direction, supervision and control of the defendants, American Truth Society, Jeremiah A. O'Leary, Adolf Stern and Luther S. Bedford, and containing articles, cartoons and poems calculated, intended and of a character to create and promote insubordination, disloyalty, mutiny and refusal of duty as hereinbefore described, among the persons belonging to the military and naval forces of the United States and among those liable to service therein as aforesaid, pursuant to the provisions of the Act of Congress approved May 18, 1917, and the Regulations duly made and promulgated in pursuance thereof; a copy of the said September 1917 issue of said magazine "Bull" is hereto annexed and made a part hereof and marked Exhibit "B," said articles, cartoons and poems being too lengthy to be herein set forth fully and at length; against the peace of the United States and their dignity, and contrary to the form of the Statute of the United States in such case made and provided. (Act approved June 15, 1917, Title I, Section 3.)

SIXTH COUNT

And the Grand Jurors aforesaid on their oaths aforesaid do further present that throughout the period of time from the

6th day of April, 1917, to the date of the finding and presentation of this indictment, the United States has been at war with the Imperial German Government and between the 15th day of June, 1917, and the 1st day of November, 1917, while the United States has been at war as aforesaid, American Truth Society, a corporation duly organized and existing under the laws of the State of New York, Bull Publishing Company, Inc., a corporation duly organized and existing under the laws of the State of New York, Jeremiah A. O'Leary, Adolf Stern and Luther S. Bedford, hereinafter referred to as the defendants, at the Southern District of New York and within the jurisdiction of this Court, unlawfully, wilfully, knowingly and feloniously did obstruct the recruiting and enlistment service of the United States, to the injury of the service and of the United States, in that they impeded, hindered and retarded the increase of the Military Establishment of the United States, through and by means of the publication, distribution and sale in the City, State and Southern District of New York of the September 1917 issue of a certain monthly magazine called "Bull" and the circulation and distribution of the same throughout the said City, State and Southern District of New York, and throughout the United States among persons whose names are to the Grand Jurors unknown, but who may be and are described by the Grand Jurors as persons in part liable to service in the military forces of the United States under the provisions of the Act of Congress approved May 18, 1917, entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," and the Regulations duly made and promulgated in pursuance thereof and in other part available and eligible for enlistment and recruiting in the military forces of the United States, said September 1917 issue of said magazine "Bull" containing articles, poems, cartoons and pictures calculated, intended and of a character to induce, encourage, persuade and solicit persons liable to service in the military forces of the United States as aforesaid, to refuse to submit to registration and draft for service in the military forces of the United States and to induce, encourage, persuade and solicit persons available and eligible for enlistment and recruiting in said military forces, to fail and refuse to enlist for service therein; a copy of the said September 1917 issue of said magazine "Bull" is hereto annexed and made a part hereof and marked Exhibit "B," said articles, cartoons and poems being too lengthy to be herein set forth fully and at length; against the peace of the United States and their dignity and contrary to the form of the Statute of the United States in such case made and provided. (Act approved June 15, 1917, Title I, Section 3.)

SEVENTH COUNT

And the Grand Jurors aforesaid on their oaths aforesaid, do further present that throughout the period of time from the 6th day of April, 1917, to the date of the finding and presentation of this indictment, the United States has been at war with the Imperial German Government, and between the 15th day of June, 1917, and the 1st day of November, 1917, and while the United States has been at war as aforesaid, American Truth Society, a corporation duly organized and existing under the laws of the State of New York, Bull Publishing Company, Inc., a corporation duly organized and existing under the laws of the State of New York, Jeremiah A. O'Leary, Adolf Stern and Luther S. Bedford, hereinafter referred to as the defendants, at the Southern District of New York and within the jurisdiction of this Court, unlawfully, wilfully, knowingly and feloniously attempted to cause insubordination, disloyalty, mutiny and refusal of duty in the military and naval forces of the United States, to the injury of the service and of the United States in that they did urge, persuade, encourage and solicit members of the military and naval forces of the United States and persons liable to service therein, under the provisions of the Act of Congress approved May 18, 1917, entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United

States," and the Regulations duly made and promulgated in pursuance thereof, when said persons should be inducted into said service to disobey the lawful commands and orders of their lawful superiors and to be unfaithful to the Government of the United States and to the commands and orders of their lawful superiors, and to rise and rebel against the lawful and duly constituted authorities of the military and naval forces aforesaid, and to reject and refuse to perform the duties imposed upon them by the Government of the United States, its military and naval officers and its officials to the injury of the service and of the United States, through and *by means of the publication, distribution and sale in the City, State and Southern District of New York of the October* 1917 *issue of a certain monthly magazine called "Bull"* and the circulation and distribution of the same throughout the said City, State and Southern District of New York and throughout the United States; said issue of said magazine "Bull" being published, distributed and sold by the defendant, Bull Publishing Company, Inc., under the direction, supervision and control of the defendants, American Truth Society, Jeremiah A. O'Leary, Adolf Stern and Luther S. Bedford, and containing articles, cartoons and poems calculated, intended and of a character to create and promote insubordination, disloyalty, mutiny and refusal of duty as hereinbefore described, among the persons belonging to the military and naval forces of the United States and among those liable to service therein as aforesaid, pursuant to the provisions of the Act of Congress approved May 18, 1917, and the Regulations duly made and promulgated in pursuance thereof; *a copy of the said October* 1917 *issue of said magazine "Bull" is hereto annexed and made a part hereof and marked Exhibit "C,"* said articles, cartoons and poems being too lengthy to be herein set forth fully and at length; against the peace of the United States and their dignity, and contrary to the form of the Statute of the United States in such case made and provided. (Act approved June 15, 1917, Title I, Section 3.)

EIGHTH COUNT

And the Grand Jurors aforesaid on their oaths aforesaid do further present that throughout the period of time from the 6th day of April, 1917, to the date of the finding and presentation of this indictment, the United States has been at war with the Imperial German Government and between the 15th day of June, 1917, and the 1st day of November, 1917, while the United States has been at war as aforesaid, American Truth Society, a corporation duly organized and existing under the laws of the State of New York, Bull Publishing Company, Inc., a corporation duly organized and existing under the laws of the State of New York, Jeremiah A. O'Leary, Adolf Stern and Luther S. Bedford, hereinafter referred to as the defendants, at the Southern District of New York and within the jurisdiction of this Court, unlawfully, wilfully, knowingly and feloniously did obstruct the recruiting and enlistment service of the United States, to the injury of the service and of the United States, in that they impeded, hindered and retarded the increase of the Military Establishment of the United States, through and by means of the publication, distribution and sale in the City, State and Southern District of New York of the October 1917 issue of a certain monthly magazine called "Bull" and the circulation and distribution of the same throughout the said City, State and Southern District of New York, and throughout the United States among persons whose names are to the Grand Jurors unknown, but who may be and are described by the Grand Jurors as persons in part liable to service in the military forces of the United States under the provisions of the Act of Congress approved May 18, 1917, entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," and the Regulations duly made and promulgated in pursuance thereof and in other part available and eligible for enlistment and recruiting in the military forces of the United States; said October 1917 issue of said magazine "Bull" containing articles, poems, cartoons and pictures calculated, intended and of a character to induce, encourage, persuade and solicit persons liable to service in the military forces of the United States as aforesaid, to refuse to submit to registration and draft for service in the military forces of the United States and to induce, encourage, persuade and solicit persons available and eligible for enlistment and recruiting in said military forces, to fail and refuse to enlist for service therein; a copy of the said October 1917 issue of said magazine "Bull" is hereto annexed and made a part hereof and marked Exhibit "C," said articles, cartoons and poems being too lengthy to be herein set forth fully and at length; against the peace of the United States and their dignity, and contrary to the form of the Statute of the United States in such case made and provided. (Act approved June 15, 1917, Title I, Section 3.)

FRANCIS G. CAFFEY,
United States Attorney.

DISTRICT COURT OF THE UNITED STATES OF AMERICA
for the
SOUTHERN DISTRICT OF NEW YORK

At a stated Term of the District Court of the United States of America for the Southern District of New York, begun and held in the City and County of New York, within and for the District aforesaid on the 17th day of April, in the year of our Lord one thousand nine hundred and eighteen, and continued to and including, by adjournment, the 7th day of June, in the year of our Lord one thousand nine hundred and eighteen.

Southern District of New York, ss: The Grand Jurors of the United States of America for the District aforesaid, on their oaths present that heretofore, to wit, on the 23rd day of November, in the year of our Lord one thousand nine hundred and seventeen, at and within the Southern District of New York, within the jurisdiction of this Court and in the United States District Court for the Southern District of New York, after proceedings before a Grand Jury of the United States duly organized, impaneled, constituted and sworn in the United States District Court for the Southern District of New York, sitting in and for the Southern District of New York, there was voted and filed in the United States District Court for the Southern District of New York a true bill of indictment in the manner following, that is to say:

DISTRICT COURT OF THE UNITED STATES OF AMERICA
for the
SOUTHERN DISTRICT OF NEW YORK

At a Stated Term of the District Court of the United States for the Southern District of New York, begun and held in the City and County of New York, within and for the District aforesaid, on the first Tuesday of November, in the year of our Lord one thousand nine hundred and seventeen, and continued by adjournment to and including the twenty-third day of November, in the year of our Lord one thousand nine hundred and seventeen.

Southern District of New York, ss: The Grand Jurors of the United States of America, within and for the District aforesaid, on their oaths present that throughout the period of time from the 6th day of April, 1917, to the day of the finding and presentation of this indictment, the United States has been at war with the Imperial German Government and that continuously since the 15th day of June, 1917, and while the United States has been at war, as aforesaid, Bull Publishing Company, Inc., a corporation duly organized and existing under the laws of the State of New York, Jeremiah A. O'Leary, Adolf Stern and Luther S. Bedford, hereinafter referred to as the defendants, at the Southern District of New York and within the jurisdiction of this court, unlawfully, wilfully, knowingly and feloniously did conspire together and agree among themselves, and with divers other persons whose names are to the Grand Jurors unknown, to violate the provisions of

Section 3 of Title 1 of the Act of Congress approved June 15, 1917, entitled "An Act to Punish Acts of Interference with the Foreign Relations, the Neutrality of the Foreign Commerce of the United States, to punish Espionage, and better to enforce the Criminal Laws of the United States, and for other purposes"; that is to say, the said defendants did conspire together and agree between themselves, and with divers other persons whose names are to the Grand Jurors unknown, when the United States was at war with the Imperial German Government, unlawfully and wilfully to cause, and attempt to cause, insubordination, disloyalty, mutiny and refusal of duty in the military and naval forces of the United States to the injury of the service and of the United States, through and by means of the publication in the City, State and Southern District of New York, of a certain monthly magazine called "Bull" and the circulation and distribution of the same throughout the said City, State and Southern District of New York, and throughout the United States among persons, whose names are to the Grand Jurors unknown, but whc may be and are described by the Grand Jurors as persons in part belonging to the said military and naval forces of the United States and in other part liable to service therein, under the provisions of the Act of Congress approved May 18th, 1917, entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States"; said magazine being designed to contain, and containing, articles, poems, cartoons and pictures calculated and intended to create and promote insubordination, disloyalty, mutiny and refusal of duty among the persons belonging to said military and naval forces of the United States, and among those liable to serve therein, pursuant to the provision of the said Act approved May 18th, 1917.

And to effect the object of said conspiracy, the defendant, Bull Publishing Company, Inc., at divers times between June 15, 1917, and November 9th, 1917, did cause to be printed in the City, County and State of New York, and to be distributed in said City, County and State, and elsewhere throughout the

United States, certain issues of said magazine "Bull" for the months of August, September and October, 1917.

And further to effect the object of said conspiracy, the defendant, Jeremiah A. O'Leary, between June 15, 1917, and July 15, 1917, did write and cause to be published in the August, 1917, issue of "Bull" an article entitled, "The Progress of the War."

And further to effect the object of said conspiracy, the defendant, Jeremiah A. O'Leary, on or about August 9, 1917, did write a letter to one Bernard H. Ridder, President of the "Staats Zeitung," a newspaper published in the City of New York.

And further to effect the object of said conspiracy the defendant, Adolf Stern, continuously between June 15, 1917, and November 9, 1917, acted as business manager of the defendant, Bull Publishing Company, Inc., and caused to be distributed in the City, County and State of New York, and elsewhere throughout the United States, said issues of said magazine, "Bull," for the months of August, September and October, 1917.

And further to effect the object of said conspiracy, the defendant, Luther S. Bedford, continuously between, on or about July 1, 1917, and September 1, 1917, acted as managing editor of said "Bull" and selected and assembled the text and cartoons printed in the August and September, 1917, issues of said magazine; against the peace of the United States and their dignity and contrary to the form of the statute of the United States in such case made and provided. (Act approved June 15, 1917, Title 1, Section 4).

SECOND COUNT

And the Grand Jurors aforesaid, on their oaths aforesaid, do further present that throughout the period of time from the 6th day of April, 1917, to the day of the finding and presentation of this indictment, the United States has been at war with the Imperial German Government and that continuously since the 15th day of June, 1917, and while the United States has been at war, as aforesaid, Bull Publishing Company, Inc., a corporation duly organized and existing under the laws of the State of New York, Jeremiah A. O'Leary, Adolf Stern and Luther S. Bedford, hereinafter referred to as the defendants, at the Southern District of New York and within the jurisdiction of this Court, unlawfully, wilfully, knowingly and feloniously did conspire together and agree among themselves, and with divers other persons whose names are to the Grand Jurors unknown, to violate the provisions of Section 3 of Title 1, of the Act of Congress approved June 15, 1917, entitled "An Act to punish Acts of Interference with the Foreign Relations, the Neutrality of the Foreign Commerce of the United States, to punish Espionage, and better to enforce the Criminal Laws of the United States, and for other purposes"; that is to say, the said defendants did conspire together and agree between themselves, and with divers other persons whose names are to the Grand Jurors unknown, when the United States was at war with the Imperial German Government, unlawfully and wilfully to obstruct the recruiting and enlistment service of the United States to the injury of the service and of the United States, through and by means of the publication in the City, State and Southern District of New York of a certain monthly magazine called "Bull" and the circulation and distribution of the same throughout the said City, State and Southern District of New York, and throughout the United States among persons, whose names are to the Grand Jurors unknown, but who may be and are described by the Grand Jurors as persons in part liable to service in the military forces of the United States, under the provisions of the Act of Congress approved May 18th, 1917, entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States" and in the other part available and eligible for enlistment and recruiting in the military forces of the United States; said magazine being designed to contain, and containing articles, poems, cartoons and pictures calculated and intended to induce persons liable to military service pursuant to said Act approved May 18th, 1917, to refuse to submit to registration and draft for service in the said military forces and to induce persons available and eligible for enlistment and recruiting in said military forces to fail and refuse to enlist for service therein.

And to effect the object of said conspiracy, the defendant, Bull Publishing Company, Inc., at divers times between June 15, 1917, and November 9th, 1917, did cause to be printed in the City, County and State of New York, and to be distributed in said City, County and State, and elsewhere throughout the United States, certain issues of said magazine "Bull" for the months of August, September and October, 1917.

And further to effect the object of said conspiracy, the defendant, Jeremiah A. O'Leary, between June 15, 1917, and July 15, 1917, did write and cause to be published in the August, 1917, issue of "Bull" an article entitled, "The Progress of the War."

And further to effect the object of said conspiracy, the defendant, Jeremiah A. O'Leary, on or about August 9, 1917, did write a letter to one Bernard H. Ridder, President of the "Staats Zeitung," a newspaper published in the City of New York.

And further to effect the object of said conspiracy, the defendant, Adolf Stern, continuously between June 15, 1917, and November 9, 1917, acted as business manager of the defendant, Bull Publishing Company, Inc., and caused to be distributed in the City, County and State of New York, said issues of said magazine, "Bull," for the months of August, September and October, 1917.

And further to effect the object of said conspiracy, the defendant, Luther S. Bedford, continuously between, on or about July 1, 1917, and September 1, 1917, acted as managing editor of said "Bull" and selected and assembled the text and cartoons printed in the August and September, 1917, issues of said magazine; against the peace of the United States and their dignity and contrary to the form of the statute of the United

States in such case made and provided. (Act approved June 15, 1917, Title 1, Section 4).

FRANCIS G. CAFFEY,
United States Attorney."

Endorsed: "A True Bill.
NELSON ROBINSON,
Foreman."

The foregoing indictment was filed June 7, 1918.

The indictment continuing says:—

That on such indictment Jeremiah A. O'Leary and the other defendants named therein, except the defendant Bull Publishing Company, Inc., were arraigned in the United States District Court for the Southern District of New York, and the said defendants entered a plea of not guilty thereto, and the said District Court then and there had lawful jurisdiction to hear and determine the issues so raised by the said indictment and the pleas of not guilty thereto, and to enter judgment and pass sentence thereon according to law;

That after arraignment and plea to the aforesaid indictment, the defendant, Jeremiah A. O'Leary was admitted to bail in the sum of Twenty-five hundred dollars ($2500.00);

That the trial of the indictment filed as aforesaid on the 23rd day of November, 1917, and for which the defendant, Jeremiah A. O'Leary was admitted to bail in the sum of Twenty-five hundred dollars ($2500.00) on a recognizance conditioned that the said Jeremiah A. O'Leary would personally appear at the District Court of the United States of America for the Southern District of New York, on such day or days thereafter as the said District Court might order and would at all times render himself amenable to the orders and processes of the Court, to answer all matters and things as should be objected against him and not depart the jurisdiction of the Court without leave; and if convicted, would appear for judgment, and render himself in execution thereof upon such day as the said District Court might order, was set for the first day of April, 1918; and thereafter the trial of the aforesaid indictment filed as aforesaid on the 23rd day of November, 1917, was set for the 20th day of May, 1918, of which Jeremiah A. O'Leary had due notice, and as to which date of trial Jeremiah A. O'Leary had full knowledge.

And the Grand Jurors aforesaid, on their oaths aforesaid, do present that heretofore, to wit, on the 2nd day of May, 1918, and at divers times thereafter at and within the Southern District of New York and within the jurisdiction of this Court, John J. O'Leary, Arthur L. Lyons and Jeremiah A. O'Leary, hereinafter referred to as defendants, well knowing all of the matters of fact hereinabove alleged and set forth did unlawfully, knowingly, wilfully, corruptly and feloniously conspire, combine, confederate and agree together and with divers other persons to the Grand Jurors unknown to commit an offense against the United States, to wit, to violate Section 135 of the United States Criminal Code, that is to say, they, said defendants, did unlawfully, knowingly, wilfully, corruptly and feloniously CONSPIRE, combine, confederate and agree together to corruptly influence, obstruct and impede and endeavor to influence and obstruct and impede the due administration of justice *by preventing* the trial of the indictment, hereinabove set forth, in the United States District Court for the Southern District of New York *by arranging* that the defendant Jeremiah A. O'Leary should not appear and stand trial in the said United States District Court aforesaid, for the crimes and offenses as set forth in the indictment hereinabove recited, and should escape from and flee the jurisdiction of the said District Court and should not be convicted in the said District Court for the crimes and offenses alleged in such indictment, and should not be punished in the manner prescribed by the Laws of the United States in such case made and provided; and it was a part of said conspiracy that the aforesaid Jeremiah A. O'Leary would disappear to parts unknown and would fail to appear for trial in the United States District Court for the Southern District of New York on the 20th day of May, 1918, for the trial of the aforesaid indictment; and that the said Arthur L. Lyons would accompany the aforesaid Jeremiah A. O'Leary and aid and assist him to disappear to parts unknown; and that the said John J. O'Leary would aid, abet and assist the aforesaid Jeremiah A. O'Leary to disappear to parts unknown and to fail to appear in the United States District Court aforesaid, and the said John J. O'Leary would assume the management and care of the said Jeremiah A. O'Leary's business, law practice and personal affairs, and in other ways would aid, abet and assist in corruptly obstructing and impeding and endeavoring to obstruct and impede the due administration of justice in the United States District Court for the Southern District of New York.

OVERT ACTS

And to effect the object of said conspiracy and in pursuance thereof, on the 4th day of May, 1918, at the Southern District of New York and within the jurisdiction of this Court, John J. O'Leary prepared a power of attorney to himself from Jeremiah A. O'Leary.

And further to effect the object of said conspiracy and in pursuance thereof, on the 4th day of May, 1918, at the Southern District of New York and within the jurisdiction of this Court, Jeremiah A. O'Leary signed and executed a power of attorney to John J. O'Leary.

And further to effect the object of said conspiracy and in pursuance thereof, on the 7th day of May, 1918, at the Southern District of New York and within the jurisdiction of this Court, the said Jeremiah A. O'Leary and the said Arthur L. Lyons departed from the Southern District of New York; against the peace of the United States and their dignity and contrary to the form of the statute of the United States in such case made and provided. (Sec. 37 U. S. C. C.)

FRANCIS G. CAFFEY,
United States Attorney.

THE CAPITAL INDICTMENT
in the
DISTRICT COURT OF THE UNITED STATES OF AMERICA

FOR THE SOUTHERN DISTRICT OF NEW YORK.

SOUTHERN DISTRICT OF NEW YORK, SS:

The Grand Jurors of the United States of America, duly empanelled and sworn in the District Court of the United States for the Southern District of New York and inquiring for that District, on their oaths present that continuously and at all times from the 6th day of April, 1917, to the date of the presentation and filing of this indictment, the United States has been at war with the Imperial German Government; that continuously and at all times from the 1st day of September, 1914, to the date of the presentation and filing of this indictment, the nations of Great Britain, France and Belgium have been at war with said Imperial German Government; that from said 6th day of April, 1917, to the date of the presentation and filing of this indictment, the United States has been co-operating with the said nations of Great Britain, France and Belgium in the prosecution of said war and with respect to the plans and conduct of the naval and military operations against said Imperial German Government, and with respect to works and measures undertaken for and connected with the defense of such places within the territory of France and Belgium and of such places on the seacoast of Ireland as could be subject to attack by the military and naval forces of the Imperial German Government, and with respect to the national and public defense of the United States in said war with said Imperial German Government.

That from the 11th day of November, 1916, and continuously thereafter to the date of the presentation and filing of this indictment, the said Imperial German Government, and the naval department thereof, had maintained in the United States, Carl Rodiger, alias Carl Roediger, alias Hermann Wessels, alias Haro Schroejers, alias H. Schmidt, alias M.

Schmidt, alias P. Stamm, alias H. Stamm, alias Dillon, alias Hudson, who was not accredited by said Imperial German Government to the United States and was not included among the diplomatic or consular representatives of said Imperial German Government, but who gained admission to the United States by fraud, false statements, fraudulent passport, and other deceptive means to the Grand Jurors unknown, and by falsely and fraudulently representing himself to be a citizen of Switzerland, and who was throughout said period a citizen and subject of the Imperial German Government, and a member of the naval forces thereof, and a representative, agent and employee thereof; that from the 21st day of January, 1917, and continuously thereafter to the date of the presentation and filing of this indictment, the said Imperial German Government, and the office for foreign affairs thereof, had and maintained in the United States, Maria K. de Victorica, alias Maria Victorica, alias Marie de Vussiere, alias Clark, alias Maria von Kretschman, alias Baroness von Kretschman, who was not accredited by said Imperial German Government to the United States, and who was not included among the diplomatic or consular representatives of said Imperial German Government, but who gained admission to the United States by fraud, false statements, fraudulent passport, and other deceptive means to the Grand Jurors unknown, and by falsely and fraudulently representing herself to be a citizen of Argentina, and who was throughout said period a representative, agent and employee of the Imperial German Government, and of the office for foreign affairs thereof; that said Rodiger and said de Victorica, each throughout the period he and she were respectively maintained in the United States as aforesaid, was acting as such representative, agent and employee of the Imperial German Government, in behalf of said Imperial German Government, in assisting the military and naval operations of said Imperial German Government against the said nations of Great Britain, France and Belgium, and, subsequent to the 6th day of April, 1917, against the United States, and was charged by said Imperial German Government with the duty of communicating and transmitting to said Imperial German Government, and with the duty of collecting and recording with intent that the same should be communicated to the Imperial German Government, and with the duty of attempting and aiding and inducing others to communicate and deliver and transmit to the Imperial German Government information relating and with respect to the public and national defence of the United States, and to the prosecution of the war by the said nations of Great Britain, France and Belgium against said Imperial German Government, and, subsequent to April 6, 1917, to the prosecution of the war against said Imperial German Government by the United States, to wit: information relating and with respect to citizens of the United States and natives of Ireland and other persons residing in the United States who would be willing or could be induced and persuaded to assist the Imperial German Government in the prosecution of its war against each and all of the aforesaid nations with which said Imperial German Government was at war, and to hamper and hinder Great Britain, France, Belgium, and the United States, in the prosecution of said war against said Imperial German Government, and information relating and with respect to what was being done and what could and would be done by such citizens of the United States and such natives of Ireland and such other persons residing in the United States as aforesaid, either alone or in connivance and cooperation with divers persons residing in Ireland, to aid Germany in landing troops in Ireland, in supplying munitions to said troops, in causing injury to and destruction of bridges, factories, mines, machinery and other enterprises in Great Britain engaged in and used for the production and transportation of military supplies, and the transportation and support of military forces, and information relating and with respect to ways and means of inducing residents in Ireland to attack the military forces of Great Britain, and of bringing about, furthering and assisting revolt, mutiny and resistance in Ireland against Great Britain, and information relating and with respect to conditions and sentiments and movements in Ireland antagonistic to Great Britain in the prosecution of the war against the Imperial German Government, and information relating and with respect to what extent and in what way residents of Ireland would co-operate with the Imperial German Government in the prosecution of said war against said nations of France, Belgium, Great Britain, and the United States, and information relating and with respect to raising and collecting funds in the United States to finance all said operations, and information relating and with respect to ways and means of using said funds, and such other funds and supplies as might be raised and contributed in Ireland and by the Imperial German Government, for the purposes aforesaid, and information relating and with respect to what propaganda, exhortations, influence, organization, secret conniving and financial assistance, it would be advisable and practicable to use in accomplishing the aforesaid purposes, and information relating and with respect to what measures could and would be taken by the Government of the United States and by the officers and officials thereof to check and prevent assistance, aid and comfort from being rendered and furnished by citizens of the United States and natives of Ireland and other persons residing in the United States to persons who would join in the enterprise residing in Ireland and in other parts of Great Britain and to the Imperial German Government in bringing about and carrying on revolt in Ireland against the Government of Great Britain and hampering and embarrassing and diminishing the military power of Great Britain in the said war against the Imperial German Government, and information relating and with respect to the necessity and probability of Great Britain withdrawing certain of its military forces from France and Belgium and keeping certain of its military forces in Ireland, and information relating and with respect to the extent, manner, and effectiveness of the co-operation between the military forces of Great Britain and the United States, and the manner and extent by and to which such co-operation could and might be hampered, and to what extent and in what way the military power of the United States could and might be lessened in combating the military power of said Imperial German Government.

That from the said 6th day of April, 1917, to the date of the presentation and filing of this indictment, John T. Ryan, Jeremiah A. O' Leary, Willard J. Robinson, Albert Paul Fricke, and Emil Kipper were throughout said period citizens of the United States, and *Rudolph Binder* from said 6th day of April, 1917, to the date of his death, on September 20, 1917, was a citizen of the United States, and *Hugo Schweitzer,* from said 6th day of April, 1917, to the date of his death, on December 23, 1917, was a citizen of the United States; that the said John T. Ryan, alias William West, alias "Buffalo," Maria K. de Victorica, alias Maria Victorica, alias Marie de Vussiere, alias Clark, alias Maria von Kretschman, alias Baroness von Kretschman, Jeremiah A. O'Leary, Carl Rodiger, alias Carl Roediger, alias Herman Wessels, alias Haro Schroejers, alias H. Schmidt, alias M. Schmidt, alias P. Stamm, alias H. Stamm, alias Dillon, alias Hudson, Willard J. Robinson, alias Robbie, alias John Young, alias Robert Lewis, Albert Paul Fricke, alias Schmidt, and Emil Kipper, who are herein indicted and referred to as "defendants," and the said *Rudolf Binder* and *Hugo Schweitzer* until the dates of their respective deaths, and divers other persons within and without the United States whose names are to the Grand Jurors unknown (the said defendants, the said deceased persons, and the said divers other persons being herein referred to as "conspirators"), continuously and at all times from the 6th day of April, 1917, to the date of the presentation and filing of this indictment, unlawfully, wilfully and feloniously conspired to violate the provisions of sub-section (a) of Section 2 of Title I of the Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917; the said conspirators continuing to conspire in manner and form as hereinafter set forth throughout said period from April 6, 1917, to the date of the presentation and filing of this indictment, the said conspiracy, so continuing, becoming an offense against the United States continuously and at all times from the 15th day of June, 1917, to the date of the presentation and filing of this indictment.

That the said conspirators unlawfully, wilfully and feloniously, from the said 15th day of June, 1917, continuously to the date and presentation and filing of this indictment, in the County of New York, State of New York, and Southern District of New York and within the jurisdiction of this Court, each throughout said period well knowing all the facts set forth in this indictment, conspired to violate the provisions of sub-section (a) of Section 2 of Title I of the aforesaid Act, that is to say, that they, the said conspirators, conspired as aforesaid, that in time of war and while the United States should be at war, as aforesaid, with the Imperial German Government, the said conspirators with intent on their part and of each of them, and with reason to believe that certain information relating to the national defense hereinafter described, was to be used to the injury of the United States and to the advantage of a foreign nation, to wit: the Imperial German Government, knowingly and wilfully should communicate, deliver, transmit and attempt to communicate, deliver and transmit, and knowingly and wilfully should aid and induce divers other persons, (whose names are to the Grand Jurors unknown, and who are herein described as such persons whom the said conspirators would be able to aid, induce and hire to leave the United States for Germany and for other places outside the United States at which they would be able to deliver such information to agents and representatives of the Imperial German Government, to be transmitted to said Imperial German Government), to communicate, deliver and transmit said information to said foreign government, to wit: the Imperial German Government, and to the office for foreign affairs and the naval department thereof, within said foreign country of Germany, and to the said Rodiger, a representative, agent, employee, subject and citizen thereof, as the said conspirators then and there well knew, and to the said de Victorica, a representative, agent and employee thereof, as the said conspirators then and there well knew, the said information being information relating to the national defense of the United States in said war with said Imperial German Government, to wit: information relating and with respect to citizens of the United States and natives of Ireland and other persons residing in the United States who would be willing or could be induced and persuaded to assist the Imperial German Government in the prosecution of its war against each and all of the aforesaid nations with which said Imperial German Government was at war, and to hamper and hinder Great Britain, France, Belgium, and the United States, in the prosecution of said war against said Imperial German Government, and information relating and with respect to what was being done and what could and would be done by such citizens of the United States and such natives of Ireland and such other persons residing in the United States as aforesaid, either alone or in connivance and co-operation with divers persons residing in Ireland, to aid Germany in landing troops in Ireland, in supplying munitions to said troops, in causing injury to and the destruction of bridges, factories, mines, machinery and other enterprises in Great Britain engaged in and used for the production and transportation of military supplies, and the transportation and support of military forces, and information relating and with respect to ways and means of inducing residents in Ireland to attack the military forces of Great Britain, and of bringing about, furthering and assisting revolt, mutiny and resistance in Ireland against Great Britain, and information relating and with respect to conditions and sentiments and movements in Ireland antagonistic to Great Britain in the prosecution of the war against the Imperial German Government, and information relating and with respect to what extent and in what way residents of Ireland would co-operate with the Imperial German Government in the prosecution of said war against said nations of France, Belgium, Great Britain, and the United States, and information relating and with respect to raising and collecting funds in the United States to finance all said operations, and information relating and with respect to ways and means of using said funds, and such other funds and supplies as might be raised and contributed in Ireland and by the Imperial German Government, for the purposes aforesaid, and information relating and with respect to what propaganda, exhortations, influence, organization, secret conniving, and financial assistance, it would be advisable and practicable to use in accomplishing the aforesaid purposes, and information relating and with respect to what measures could and would be taken by the Government of the United States and by the officers and officials thereof to check and prevent assistance, aid and comfort from being rendered and furnished by citizens of the United States and natives of Ireland and other persons residing in the United States to persons who would join in the enterprise residing in Ireland and in other parts of Great Britain and to the Imperial German Government in bringing about and carrying on revolt in Ireland against the Government of Great Britain and hampering and embarrassing and diminishing the military power of Great Britain in the said war against the Imperial German Government, and information relating and with respect to the necessity and probability of Great Britain withdrawing certain of its military forces from France and Belgium and keeping certain of its military forces in Ireland, and information relating and with respect to the extent, manner, and effectiveness of the co-operation between the military forces of Great Britain and the United States, and the manner and extent by and to which such co-operation could and might be hampered, and to what extent and in what way the military power of the United States could and might be lessened in combating the military power of said Imperial German Government.

OVERT ACTS.

And to effect the object of the said conspiracy, heretofore, to wit, on the 29th day of June, 1917, in the County of New York, State of New York, in the Southern District of New

York and within the jurisdiction of this Court, the defendant Albert Paul Fricke caused to be paid to the defendant Carl Rodiger the sum of One Thousand Dollars ($1000);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 15th day of July, 1917, at Long Beach on Long Island, in the State of New York, the defendants Jeremiah A. O'Leary and Willard J. Robinson met the defendant Maria K. de Victorica;

And further to effect the object of the said conspiracy, heretofore; to wit, on the 17th day of July, 1917, in the County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, Rudolf Binder (now deceased) caused to be paid to the defendant Carl Rodiger the sum of Two Thousand Dollars ($2000);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 20th day of July, 1917, in the County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, the defendants John T. Ryan and Jeremiah A. O'Leary took the defendant Maria K. de Victorica to a certain place on Riverside Drive, in the County of New York, within the Southern District of New York (the exact place being to the Grand Jurors unknown), and there met a man whom the said defendant John T. Ryan referred to as Henry Hurley (the real name being to the Grand Jurors unknown);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 28th day of July, 1917, in the Southern District of New York and within the jurisdiction of this Court, the defendant Albert Paul Fricke caused a cablegram to be sent from the County of New York, in the State of New York, in the District aforesaid, to Olten, Switzerland;

And further to effect the object of the said conspiracy, heretofore, to wit, on the 8th day of August, 1917, in the County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, the defendant Albert Paul Fricke caused to be paid to the defendant Carl Rodiger the sum of One Thousand Dollars ($1000);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 17th day of August, 1917, in the County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, Rudolf Binder (now deceased) caused to be paid to the defendant Carl Rodiger the sum of Five Thousand Dollars ($5000);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 6th day of September, 1917, in the County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, the defendant Albert Paul Fricke caused to be paid to the defendant Carl Rodiger the sum of One Thousand Dollars ($1000);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 9th day of September, 1917, at Long Beach on Long Island, in the State of New York, the defendant John T. Ryan met the defendant Maria K. de Victorica;

And further to effect the object of the said conspiracy, heretofore, to wit, on the 15th day of September, 1917, in the County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, the defendant Albert Paul Fricke paid to the defendant Carl Rodiger the sum of Three Thousand Dollars ($3000);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 25th day of October, 1917, in the County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, the defendant John T. Ryan caused to be paid to the defendant Maria K. de Victorica the sum of One Thousand Dollars ($1000);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 30th day of October, 1917, in the County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, the defendant John T. Ryan caused to be paid to the defendant Maria K. de Victorica the sum of One Thousand Dollars ($1000);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 15th day of November, 1917, in the

County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, the defendant John T. Ryan caused to be paid to the defendant Maria K. de Victorica the sum of One Thousand Five Hundred Dollars ($1500);

And further to effect the object of the said conspiracy, heretofore, to wit: on the 10th day of November, 1917, in the County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, the defendant John T. Ryan caused to be paid to the defendant Maria K. de Victorica the sum of One Thousand Dollars ($1000);

And further to effect the object of the said conspiracy, heretofore, in the County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, the defendant Albert Paul Fricke paid to the defendant Carl Rodiger the following sums of money on the following dates, to wit:

October 1, 1917	$100
November 1, 1917	100
December 1, 1917	100
January 1, 1918	100
February 2, 1918	100
March 1, 1918	100
April 1, 1918	200
May 1, 1918	200

Against the peace of the United States and their dignity, and contrary to the form of the statute of the United States in such case made and provided (Sections 2 and 4 of Title I of the Act of June 15, 1917).

SECOND COUNT

And the Grand Jurors aforesaid, on their oaths aforesaid, do further present that continuously and at all times from the 6th day of April, 1917, to the date of the presentation and filing of this indictment, the United States has been at war with the

Imperial German Government; that continuously and at all times from the 1st day of September, 1914, to the date of the presentation and filing of this indictment, the nations of Great Britain, France and Belgium have been at war with said Imperial German Government; that from said 6th day of April, 1917, to the date of the presentation and filing of this indictment, the United States has been co-operating with the said nations of Great Britain, France and Belgium in the prosecution of said war and with respect to the plans and conduct of the naval and military operations against said Imperial German Government, and with respect to works and measures undertaken for and connected with the defense of such places within the territory of France and Belgium and of such places on the sea coast of Ireland as could be subject to attack by the military and naval forces of the Imperial German Government, and with respect to the national and public defense of the United States in said war with said Imperial German Government.

That from the 11th day of November, 1916, and continuously thereafter to the date of the presentation and filing of this indictment, the said Imperial German Government, and the naval department thereof, had and maintained in the United States, Carl Rodiger, alias Carl Roediger, alias Hermann Wessels, alias Haro Schroejers, alias H. Schmidt, alias M. Schmidt, alias P. Stamm, alias H. Stamm, alias Dillon, alias Hudson, who was not accredited by said Imperial German Government to the United States, and was not included among the diplomatic or consular representatives of said Imperial German Government, but who gained admission to the United States by fraud, false statements, fraudulent passport, and other deceptive means to the Grand Jurors unknown, and by falsely and fraudulently representing himself to be a citizen of Switzerland, and who was throughout said period a citizen and subject of the Imperial German Government, and a member of the naval forces thereof, and a representative, agent and employee thereof; that from the 21st day of January, 1917, and continuously thereafter to the date of the presentation and filing of this indictment, the said Imperial German Government, and the office for foreign affairs thereof, had and maintained in the United States, Maria K. de Victorica, alias Maria Victorica, alias Marie de Vussiere, alias Clark, alias Maria von Kretschman, alias Baroness von Kretschman, who was not accredited by said Imperial German Government to the United States, and who was not included among the diplomatic or consular representatives of said Imperial German Government but who gained admission to the United States by fraud, false statements, fraudulent passport, and other deceptive means to the Grand Jurors unknown, and by falsely and fraudulently representing herself to be a citizen of Argentina, and who was throughout said period a representative, agent and employee of the Imperial German Government, and of the office for foreign affairs thereof; that said Rodiger and said de Victorica, each throughout the period he and she were respectively maintained in the United States as aforesaid, was acting as such representative, agent and employee of the Imperial German Government, in behalf of said Imperial German Government, in assisting the military and naval operations of said Imperial German Government against the said nations of Great Britain, France and Belgium, and, subsequent to the 6th day of April, 1917, against the United States, and was charged by said Imperial German Government with the duty of communicating and transmitting to said Imperial German Government, and with the duty of collecting and recording with intent that the same should be communicated to the Imperial German Government, and with the duty of attempting and aiding and inducing others to communicate and deliver and transmit to the Imperial German Government, information relating and with respect to the public and national defense of the United States, and to the prosecution of the war by the said nations of Great Britain, France and Belgium against said Imperial German Government, and, subsequent to April 6, 1917, to the prosecution of the war against said Imperial German Government by the United States, to wit: information relating and with respect to citizens of the United States and natives of Ireland and other persons residing in the United States who would be willing or could be induced and persuaded to assist the Imperial German Government in the prosecution of its war against each and all of the aforesaid nations with which said Imperial German Government was at war, and to hamper and hinder Great Britain, France, Belgium, and the United States, in the prosecution of said war against said Imperial German Government, and information relating and with respect to what was being done and what could and would be done by such citizens of the United States and such natives of Ireland and such other persons residing in the United States as aforesaid, either alone or in connivance and co-operation with divers persons residing in Ireland, to aid Germany in landing troops in Ireland, in supplying munitions to said troops, in causing injury to and the destruction of bridges, factories, mines, machinery and other enterprises in Great Britain engaged in and used for the production and transportation of military supplies, and the transportation and support of military forces, and information relating and with respect to ways and means of inducing residents in Ireland to attack the military forces of Great Britain, and of bringing about, furthering and assisting revolt, mutiny and resistance in Ireland against Great Britain, and information relating and with respect to conditions and sentiments and movements in Ireland antagonistic to Great Britain in the prosecution of the war against the Imperial German Government, and information relating and with respect to what extent and in what way residents of Ireland would co-operate with the Imperial German Government in the prosecution of said war against said nations of France, Belgium, Great Britain, and the United States, and information relating and with respect to raising and collecting funds in the United States to finance all said operations, and information relating and with respect to ways and means of using said funds, and such other funds and supplies as might be raised and contributed in Ireland and by the Imperial German Government, for the purposes aforesaid, and information relating and with respect to what propaganda, exhortations, influence, organization, secret conniving, and financial assistance, it would be advisable and practicable to use in accomplishing the aforesaid purposes, and information relating and with respect to what measures could and would be taken by the Government of the United States and by the officers and officials thereof to check and prevent assistance, aid and comfort from being rendered and furnished by citizens of the United States and natives of Ireland and other persons residing in the United States to persons who would join in the enterprise residing in Ireland and in other parts of Great Britain and to the Imperial German Government in bringing about and carrying on revolt in Ireland against the Government of Great Britain and hampering and embarrassing and diminishing the military power of Great Britain in the said war against the Imperial German Government, and information relating and with respect to the necessity and probability of Great Britain withdrawing certain of its military forces from France and Belgium and keeping certain of its military forces in Ireland, and information relating and with respect to the extent, manner, and effectiveness of the cooperation between the military forces of Great Britain and the United States, and the manner and extent by and to which such cooperation could and might be hampered, and to what extent and in what way the military power of the United States could and might be lessened in combating the military power of said Imperial German Government.

That from the said 6th day of April, 1917, to the date of the presentation and filing of this indictment, John T. Ryan, Jeremiah A. O'Leary, Willard J. Robinson, Albert Paul Fricke, and Emil Kipper were throughout said period citizens of the United States, and *Rudolf Binder* from said 6th day of April, 1917, to the date of his death, on September 20, 1917, was a citizen of the United States, and *Hugo Schweitzer* from said 6th day of April, 1917, to the date of his death, on December 23, 1917, was a citizen of the United States; that the said John T. Ryan, alias William West, alias "Buffalo," Maria K. de Victorica, alias Maria Victorica, alias Marie de Vussiere,

alias Clark, alias Maria von Kretschman, alias Baroness von Kretschman, Jeremiah A. O'Leary, Carl Rodiger, alias Carl Roediger, alias Hermann Wessels, alias Haro Schroejers, alias H. Schmidt, alias M. Schmidt, alias P. Stamm, alias H. Stamm, alias Dillon, alias Hudson, Willard J. Robinson, alias Robbie, alias John Young, alias Robert Lewis, Albert Paul Fricke, alias Schmidt, and Emil Kipper, who are herein indicted and referred to as "defendants," and the said *Rudolf Binder* and *Hugo Schweitzer* until the dates of their respective deaths, and divers other persons within and without the United States whose names are to the Grand Jurors unknown (the said defendants, the said deceased persons and the said divers other persons being herein referred to as "conspirators"), continuously and at all times from the 6th day of April, 1917, to the date of the presentation and filing of this indictment, unlawfully, wilfully and feloniously conspired to violate the provisions of sub-section (b) of Section 2 of Title I of the Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917; the said conspirators continuing to conspire in manner and form as hereinafter set forth throughout said period from April 6, 1917, to the date of the presentation and filing of this indictment, the said conspiracy, so continuing, becoming an offense against the United States continuously and at all times from the 15th day of June, 1917, to the date of the presentation and filing of this indictment.

That the said conspirators unlawfully, wilfully and feloniously, from the said 15th day of June, 1917, continuously to the date of the presentation and filing of this indictment, in the County of New York, State of New York, and Southern District of New York and within the jurisdiction of this Court, each throughout said period well knowing all the facts set forth in this indictment, conspired to violate the provisions of subsection (b) of Section 2 of Title I of the aforesaid Act, that is to say, that they, the said conspirators, conspired as aforesaid that in time of war and while the United States should be at war, as aforesaid, with the Imperial German Government, the said conspirators, with the intent on their part and of each of them that the information hereinafter described should be communicated to the Imperial German Government, the enemy of the United States, should knowingly and wilfully collect, record, communicate, and attempt to elicit information with respect to the plans and conduct and supposed plans and conduct of the naval and military operations of the United States and of Great Britain acting in co-operation with the United States, and with respect to works and measures undertaken for and connected with and intended for the defense of such places within the territory of France and Belgium and of such places on the seacoast of Ireland as would be subject to attack by the military and naval forces of the Imperial German Government, and other information relating to the public defense, which, to the knowledge of said conspirators and each of them, might be useful to the Imperial German Government, the enemy of the United States; to wit: information relating and with respect to citizens of the United States and natives of Ireland and other persons residing in the United States who would be willing or could be induced and persuaded to assist the Imperial German Government in the prosecution of its war against each and all of the aforesaid nations with which said Imperial German Government was at war, and to hamper and hinder Great Britain, France, Belgium, and the United States, in the prosecution of said war against said Imperial German Government, and information relating and with respect to what was being done and what could and would be done by such citizens of the United States and such natives of Ireland and such other persons residing in the United States as aforesaid, either alone or in connivance and co-operation with divers persons residing in Ireland, to aid Germany in landing troops in Ireland, in supplying munitions to said troops, in causing injury to and the destruction of bridges, factories, mines, machinery and other enterprises in Great Britain engaged in and used for the production and transportation of military supplies, and the transportation and support of military forces, and information relating and with respect to ways and means of inducing residents in Ireland to attack the military forces of Great Britain, and of bringing about, furthering and assisting revolt, mutiny and resistance in Ireland against Great Britain, and information relating and with respect to conditions and sentiments and movements in Ireland antagonistic to Great Britain in the prosecution of the war against the Imperial German Government, and information relating and with respect to what extent and in what way residents of Ireland would cooperate with the Imperial German Government in the prosecution of said war against said nations of France, Belgium, Great Britain and the United States, and information relating and with respect to raising and collecting funds in the United States to finance all said operations, and information relating and with respect to ways and means of using said funds, and such other funds and supplies as might be raised and contributed in Ireland and by the Imperial German Government, for the purposes aforesaid, and information relating and with respect to what propaganda, exhortations, influence, organization, secret conniving, and financial assistance, it would be advisable and practicable to use in accomplishing the aforesaid purposes, and information relating and with respect to what measures could and would be taken by the Government of the United States and by the officers and officials thereof to check and prevent assistance, aid and comfort from being rendered and furnished by citizens of the United States and natives of Ireland and other persons residing in the United States to persons who would join in the enterprise residing in Ireland and in other parts of Great Britain and to the Imperial German Government in bringing about and carrying on revolt in Ireland against the Government of Great Britain and hampering and embarrassing and diminishing the military power of Great Britain in the said war against the Imperial German Government, and information relating and with respect to the necessity and probability of Great Britain withdrawing certain of its military forces from France and Belgium and keeping certain of its military forces in Ireland, and information relating and with respect to the extent, manner, and effectiveness of the co-operation between the military forces of Great Britain and the United States, and the manner and extent by and to which such co-operation could and might be hampered, and to what extent and in what way the military power of the United States could and might be lessened in combating the military power of said Imperial German Government.

OVERT ACTS

And to effect the object of the said conspiracy, heretofore, to wit, on the 29th day of June, 1917, in the County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, the defendant Albert Paul Fricke caused to be paid to the defendant Carl Rodiger the sum of One Thousand Dollars ($1000);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 15th day of July, 1917, at Long Beach on Long Island, in the State of New York, the defendants Jeremiah A. O'Leary and Willard J. Robinson met the defendant Maria K. de Victorica;

And further to effect the object of the said conspiracy, heretofore, to wit, on the 17th day of July, in the County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, Rudolf Binder (now deceased) caused to be paid to the defendant Carl Rodiger the sum of Two Thousand Dollars ($2,000);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 20th day of July, 1917, in the Southern District of New York and within the jurisdiction of this Court, the defendants John T. Ryan and Jeremiah A. O'Leary took the defendant Maria K. de Victorica to a certain place on Riverside Drive, in the County of New York, within the Southern District of New York (the exact place being to the Grand

Jurors unknown), and there met a man whom the said defendant John T. Ryan referred to as Henry Hurley (the real name being to the Grand Jurors unknown);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 28th day of July, 1917, in the Southern District of New York and within the jurisdiction of this Court, the defendant Albert Paul Fricke caused a cablegram to be sent from the County of New York, in the State of New York, in the District aforesaid, to Olten, Switzerland;

And further to effect the object of the said conspiracy, heretofore, to wit, on the 8th day of August, 1917, in the County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, the defendant Albert Paul Fricke caused to be paid to the defendant Carl Rodiger the sum of One Thousand Dollars ($1,000);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 17th day of August, 1917, in the County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, Rudolf Binder (now deceased) caused to be paid to the defendant Carl Rodiger the sum of Five Thousand Dollars ($5,000);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 6th day of September, 1917, in the County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, the defendant Albert Paul Fricke caused to be paid to the defendant Carl Rodiger the sum of One Thousand Dollars ($1,000);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 9th day of September, 1917, at Long Beach on Long Island, in the State of New York, the defendant John T. Ryan met the defendant Maria K. de Victorica;

And further to effect the object of the said conspiracy, heretofore, to wit, on the 15th day of September, 1917, in the County of New York, State of New York, in the Southern

District of New York and within the jurisdiction of this Court, the defendant Albert Paul Fricke paid to the defendant Carl Rodiger the sum of Three Thousand Dollars ($3,000);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 25th day of October, 1917, in the County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, the defendant John T. Ryan caused to be paid to the defendant Maria K. de Victorica the sum of One Thousand Dollars ($1,000);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 30th day of October, 1917, in the County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, the defendant John T. Ryan caused to be paid to the defendant Maria K. de Victorica the sum of One Thousand Dollars ($1000);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 5th day of November, 1917, in the County of New York, State of New York, in the Southern District of New York, and within the jurisdiction of this Court, the defendant John T. Ryan caused to be paid to the defendant Maria K. de Victorica the sum of One Thousand Five Hundred Dollars ($1,500);

And further to effect the object of the said conspiracy, heretofore, to wit, on the 10th day of November, 1917, in the County of New York, State of New York, in the Southern District of New York and within the jurisdiction of this Court, the defendant John T. Ryan caused to be paid to the defendant Maria K. de Victorica the sum of One Thousand Dollars ($1,000);

And further to effect the object of the said conspiracy, heretofore, in the County of New York, State of New York, in the Southern District of New York, and within the jurisdiction of this Court, the defendant Albert Paul Fricke paid to the defendant Carl Rodiger the following sums of money on the following dates, to wit:

October 1, 1917	$100
November 1, 1917	$100
December 1, 1917	$100
January 1, 1918	$100
February 2, 1918	$100
March 1, 1918	$100
April 1, 1918	$200
May 1, 1918	$200

Against the peace of the United States and their dignity, and contrary to the form of the statute of the United States in such case made and provided (sections 2 and 4 of Title I of the Act of June 15, 1917).

FRANCIS G. CAFFEY,
United States Attorney.

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O'Leary, Jeremiah A.
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